

CREATING THE NATIONAL YOUTH AND SPORTS DEVELOPMENT FOUNDATION OF THE PHILIPPINES, DEFINING ITS OBJECTIVES, POWERS, FUNCTIONS AND RESPONSIBILITIES AND FOR OTHER PURPOSES.

PRESIDENTIAL DECREE NO. 1289, January 25, 1978

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WHEREAS, it is the declared objective of the Government to pursue and implement a program of total youth and sports development;

WHEREAS, on December 10, 1974, the Department of Youth and Sports Development (DYSD) was created under Presidential Decree No. 604 to integrate nationwide youth development and amateur sports development programs;

WHEREAS, while the DYSD is the primary government instrumentality tasked with youth programs and development, it needs as much assistance as it can secure, especially from the private sector, in view of the nature and magnitude of its area of involvement;

WHEREAS, there is a need to support youth and sports development programs and projects through the provision of materials, equipment, human resources, management, financing and related services, channeled through an institution designed to supplement such a Department;

NOW, THEREFORE, I, FERDINAND E. MARCOS, President of the Philippines, pursuant to the powers vested in me by the Constitution, do hereby order and decree, as part of the law of the land, as follows:

SEC. 1. Name Location. — There is hereby created a body corporate to be known as the National Youth and Sports Development Foundation of the Philippines, hereinafter referred to as the Foundation, with its main executive offices in Metro Manila.

SEC. 2. Purposes and Objectives. In general, the Foundation as a non-municipal public corporation, shall render maximum assistance primarily to the DYSD in the attainment of the defined tasks and objectives of the department. In addition, the Foundation shall have the following purposes and objectives:

- To promote total youth and sports development, in a manner consistent with the guiding philosophies of the New Society;
- To supplement the efforts of government agencies in youth leadership and sports training and provide meaningful employment opportunities for the youth;
- To promote, carry on and conduct scientific interdisciplinary, and policy-oriented research, studies, training, scholarships, consultancy, and printing and publication of any youth and sports endeavor;
- To undertake the construction of, develop and maintain sports complexes and recreational centers and facilities for youth activities, projects and programs;

- To encourage and assist in the organization of youth and sports groups, associations and societies; and
- To undertake such projects and activities as may be necessary or incidental to the attainment of its general objective.

SEC. 3. Establishment of a National Youth and Sports Development Fund. — All properties of the Foundation, real and personnel, shall belong to and be managed exclusively by it for the benefit of the Filipino people. All income that may be derived from its programs and projects and such contributions thereto shall constitute a National Youth and Sports Development Fund which shall be invested or utilized for such purposes as its governing board may decide upon to attain the objectives of this Decree.

SEC. 4. Corporate Powers. — To fulfill its purposes, the Foundation shall have the following powers:

- To have perpetual succession and power to sue and be sued;
- To adopt and use a seal and alter it at its pleasure;
- To take and hold by bequest, devise, gift, purchase, or lease, either absolutely or in trust for any of its purposes, any property, real or personal, without limitation as to amount or value; to convey such property and to invest or reinvest any principal thereof and to deal with and expend the income therefrom for any of the above-mentioned purposes, subject to such limitations as may be contained in the donation instrument; Provided, however, That the investment or reinvestment policies of the Foundation are in accordance with sound corporate investment practices;
- To make or enter into contracts of every name, kind and nature and to execute all the instruments necessary or convenient to promote the objective of the Foundation; and
- Transact such business, exercise such power and authority as may be directly or indirectly necessary, suitable or proper for the accomplishment of any of the purposes or objectives of the Foundation.

SEC. 5. Domicile — The principal office of the Foundation shall be established in Metropolitan Manila. The Foundation may also have branches or offices at such other place or places within or without the Philippines as the operation and activities of the Foundation may require.

SEC. 6. Board of Trustee — The governing powers and authority, of the Foundation shall be vested in and exercised by a Board of Trustees, which shall be composed of one Chairman who shall be the President of the Philippines and six (6) members, three representatives each from the government and the private sector, all of whom shall be appointed by the President.

The trustees shall not receive any compensation or remuneration for their services as such, but they may be reimbursed for actual expenses incurred in discharging the business of the foundation.

SEC. 7. Responsibilities of the Board. In the exercise of the powers granted to it under this Decree, the Board of Trustees shall:

- Promulgate and adopt policies, rules and regulations as it considers necessary for the effective discharge of its responsibilities;
- Appoint the President, and one or more Vice-Presidents to assist the President, in the administration of the affairs of the Foundation; and
- Review periodically the administration and programs of the Foundation.

SEC. 8. President of the Foundation. The Board of Trustees shall appoint a President of the Foundation who shall

be its chief executive officer and shall receive such compensation and remuneration to be fixed by the Board. He shall have the following powers and duties:

- Execute and administer the policies, plans, and programs, and the rules and regulations, approved or promulgated by the Board of Trustees;
- Create such committees/ or offices as may be necessary to assist in the financial, planning and operational requirements of the Foundation;
- Submit for the consideration of the Board of Trustees the policies, plans and programs which he deems necessary to carry out the purposes of the Foundation;
- Recommend, coordinate and administer the programs and projects of the Foundation;
- Direct and supervise the operation and internal administration of the Foundation, and to delegate some or any of its administrative responsibilities in accordance with the rules and regulations of the Foundation;
- Appoint other officers and employees of the Foundation, fix, their remuneration, allowances and other emoluments, the conditions and terms of employment as may deemed necessary, discipline and remove them for cause and establish and maintain a recruitment and merit systems, subject to the approval of the Board;
- Submit the annual report of the Board of Trustees setting forth the work of the Foundation during the year, its financial operations and status, and a program and budget for the ensuing year; and
- Exercise such other powers and to discharge such other functions as may be vested in him by the Board of Trustees.

SEC. 9. Management Support — To ensure an effective policy and programs coordination, the Department of Youth and Sports development shall provide the necessary management staff support as may be needed by the Foundation to attain its defined objectives.

SEC. 10. Government Donation — To help carry out the provisions of this Decree, the National Government may allocate (P5,000,000.00) by way of donation to the Foundation.

For this purpose the amount of P5 million out of the General Fund is hereby authorized to be appropriated and shall be released to the Foundation upon the availability of funds.

SEC. 11. Exemption from Taxes — Any donation, contribution, bequest, subsidy or financial or financial aid which may be made to the Foundation shall be exempt from taxes of any kind, and shall constitute allowable deductions in full from the income of the donor or giver for income tax purposes.

Foreign contributions or donations to the Foundation shall constitute allowable deductions in full from the income tax of the branch, affiliate or subsidiary corporation of the donor doing business in the Philippines.

The Foundation, its assets, acquisition, income and its operations and transactions shall be exempt from any and all taxes, fees, duties, dues, charges, imposts, licenses and assessments, direct or indirect, imposed by the Republic of the Philippines or any of its instrumentality, political subdivision or taxing authority thereof, any provision of existing laws to the contrary notwithstanding.

SEC. 12. Non-Applicability of WAPCO Standard and Scales; Exemption from Civil Service Rules and Regulations — The Foundation shall not be subject to standards and salary scales prescribed by the Wage and Position Classification Office. The Foundation shall likewise be exempt from Civil Service rules and regulations.

SEC. 13. Disposition of Assets Upon Dissolution — In the event of dissolution of the Foundation, its remaining

assets, after the return of the government's donation and payment of other liabilities, shall be disposed of and turned over to any foundation institution dedicated to the same or similar pursuits as the foundation, or to the Republic of the Philippines or any of its agencies or instrumentalities, as the Board of Trustees may determine.

SEC. 14. Repealing Clause — All laws, executive orders, administrative issuances, rules and regulations inconsistent with the foregoing provisions are hereby repealed or accordingly notified.

SEC. 15. Separability Clause — If any provision of this Decree is declared invalid or unconstitutional, the remainder thereof shall not be affected.

SEC. 16. Effectivity — This Decree shall take effect immediately.

DONE in the City of Manila, this 25th day of January, in the year of Our Lord, nineteen hundred and seventy-eight.

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

By the President:

(Sgd.) JACOBO C. CLAVE
Presidential Executive Assistant

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