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RULES AND REGULATIONS TO IMPLEMENT EXECUTIVE ORDER NO. 125, AS AMENDED BY EXECUTIVE ORDER NO. 125-A

DBM BUDGET CIRCULAR NO. 2003-01, March 04, 2003

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SECTION 1.0 Background

This Implementing Rules and Regulations is being issued pursuant to Section 4 of Executive Order (EO) No. 125-A dated November 29, 2002, issued to amend certain provisions of EO No. 125 dated September 16, 2002, mandating the Department of Budget and Management (DBM) to issue the necessary rules and regulations to effectively implement the provisions of said EOs. In brief, said EOs were issued for purposes as follows:

1. EO No. 125, entitled "Further enhancing the devolution of powers and functions, programs and projects of the National Government Agencies (NGAs) to the Autonomous Regional Government (ARG) of the Autonomous Region in Muslim Mindanao (ARMM), and for other purposes", provides for the devolution/transfer from national government agencies to the ARG of the ARMM of all Official Development Assistance (ODA) and locally funded programs and projects presently being undertaken and are programmed to be implemented within the ARMM.

2. EO No. 125-A was promulgated to amend certain provisions of said EO No. 125, providing for (i) exemptions from the devolution and/or transfer of ODA and locally funded programs and projects from national government agencies to ARG of the ARMM, (ii) the effectivity period of EO No. 125, (iii) the transfer of Section 2 of EO No. 125 as part of the "Whereas Clause" and (iv) the DBM issue the necessary rules and regulations to implement the subject EOs.

SECTION 2.0 Devolution of Official Development Assistance (ODA) and Locally Funded Programs and Projects to the ARMM, and the Release of Corresponding Funds Thereof

2.1 Exemptions. — All locally funded programs and projects that are being undertaken and programmed to be implemented within the ARMM are hereby devolved to and hereto to be implemented by the ARG of the ARMM except:

2.1.1 When the implementing government agency for such programs and projects was specified and/or identified by Congress in the annual General Appropriations Act (GAA) or special law, then such programs/projects are exempt from the devolution/transfer referred to herein. For this purpose, the corresponding funds shall be released to the designated government agency.

2.1.2 All legislator initiated programs and projects wherein the implementing government agency was accordingly specified and/or identified as provided in the annual GAA, are exempt from the devolution/transfer referred to herein. As such, the corresponding funds thereof shall be released only to the government agency designated to implement such programs and projects.

2.1.3 When in the judgment of the ARMM Governor the ARG does not have the capability to implement the programs and projects, then upon request of the ARMM Governor, such programs or projects could be exempted or their devolution/transfer could be deferred/delayed. For this purpose, the corresponding funds shall be released to the government agency designated to implement subject program or project.

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2.2 Administration and Management of all ODA and locally funded programs and projects in the ARMM. — The Regional Planning and Development Office (RPDO) of the ARMM shall manage and administer all matters that pertain to ODA and locally funded programs and projects of the ARMM. Accessing of ODA funded programs and projects for the ARMM must always be coordinated with the National Economic and Development Authority (NEDA) and the Department of Budget and Management (DBM).

SECTION 3.0 Catch-Up Budget for the ARMM, Plantilla Items for Devolution/Transfer to the ARMM, and Transfer of Devolved Agencies in Basilan.

3.1 Budget for programs and projects for transfer to the ARMM. — NGAs must include in their programs and activities the corresponding budget for programs and activities that are for transfer and/or devolution to the ARMM until such time the budget therefore shall have been included in the ARMM.

3.2 Plantilla Positions. — Pending the transfer of the devolved power, function, program and project, concerned national government agencies are proscribed from filling up, transferring, abolishing the corresponding plantilla positions thereof, and from effecting any form of organizations/staffing modifications/changes that would adversely affect subject plantilla positions.

3.3 Devolved Agencies in the Province of Basilan. — Premised on consideration that Isabela City in Basilan is not part of the ARMM, effective January 2003, all offices of national government agencies devolved to the ARG, including their personnel, asset, equipment and budget, that are located in Isabela City shall be transferred to Lamitan in Basilan. The necessary funding requirements to effect said transfer shall be sourced from any available allotment of the ARMM in FY 2003. Likewise, concerned national government agencies shall service the necessary requirements of Isabela City as a consequence thereof.

SECTION 4.0 Repealing Provisions and Effectivity.

4.1 Amending Provisions. — Section 7 of EO No. 125 has revoked, amended or modified accordingly all executive issuances, orders, rules and regulations, or any part thereof, which are inconsistent with any of the provisions of EO No. 125, as amended by EO No. 125-A. Accordingly, all execution guidelines and policies, as well as all other similar administrative issuances issued pursuant thereto and those that are inconsistent with any of the provisions of this IRR are likewise revoked, amended and modified accordingly. As provided under Section 3 of EO No. 125-A, Section 2 of EO No. 125 is transferred as part of its "Whereas Clause".

4.2 Effectivity. — Except for Section 1 of EO No. 125 as amended by EO No. 125-A which shall take effect starting January 1, 2003 as specifically provided in Section 2 of EO 125-A, all other provisions of the said EOs shall take effect fifteen (15) days upon its publication in the Official Gazette or in a newspaper of general circulation, whichever comes first.

Adopted: 4 March 2003

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Secretary

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