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RULES AND REGULATIONS TO IMPLEMENT REPUBLIC ACT 9996, THE LAW CREATING THE MINDANAO DEVELOPMENT AUTHORITY OTHERWISE KNOWN AS THE "MINDANAO DEVELOPMENT AUTHORITY (MINDA) ACT OF 2...

MINDANAO DEVELOPMENT AUTHORITY, June 30, 2011

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Rule 1
General Provisions

Section 1. Title – These rules and regulations shall be known and cited as the "Rules and Regulations implementing the "Mindanao Development Authority Act of 2010."

Section 2. Purpose. – These Implementing Rules and Regulations, hereinafter referred to as the "IRR," are promulgated pursuant to Section 16 of RA 9996.

Section 3. Declaration of Policy. – a) It is hereby declared a policy of the State to accelerate the socio-economic growth of Mindanao, increasing its trade, tourism and investments, encouraging private enterprise and advancing efforts towards peace and development. Towards this end, effective institutional mechanisms shall be established to address the need for a coordinated and integrated approach in the formulation and implementation of various Mindanao-wide inter-regional development plans, programs and projects.

The State shall further undertake efforts to promote the active participation of Mindanao and Palawan in the Brunei-Darussalam-Indonesia-Malaysia-the Philippines-East Asia Growth Area (BIMP-EAGA).

b) As the agency mandated to coordinate, consolidate, integrate all socio-economic interventions in Mindanao particularly inter-regional and Mindanao-impact program and projects, it shall be the policy of MinDA to promote cultural unity among diverse cultural and religious sectors; ensure conflict sensitivity in its operations by promoting programs, activities and projects that are culturally peace-and-conflict-sensitive.

Section 4. Statement of Goals and Objectives. – To carry out the foregoing policy, the Authority shall pursue the attainment of the following goals and objectives that will uplift the quality of life of Mindanawons by increasing their access to basic social services, sustainable development and effective governance:

1. To provide integrated peace and development framework that shall underscore the fundamental principles necessary to harness, consolidate, and harmonize the peace and development activities in Mindanao.

2. To provide strategic direction for Mindanao for its accelerated and Integrated socio-economic growth and development.

3. To increase the level of participation by providing an effective institutional mechanism to strengthen the role of Mindanao in the national development.

4. To strengthen stakeholder participation in the peace and development process.

Rule 2

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Definition of Terms

Section 1. Definitions of Terms – For purposes of these Rules, the following terms shall be understood to have the following meanings:

a) The Act – shall refer to or shall be understood to mean Republic Act 9996.

b) Authority – shall be understood to mean the Mindanao Development Authority or MinDA

c) BIMP-EAGA – the regional cooperation initiative launched on 24 March 1994 comprising the entire Sultanate of Brunei Darussalam, Province of Sulawesi, Kalimantan, Maluku and Irian Jaya in Indonesia, Sarawak and Federal Territory of Labuan in Malaysia, State of Sabah and Mindanao and Palawan in the Philippines.

d) Board – shall refer to the Board of Directors of the Authority.

e) Inter-regional programs and projects – refer to programs, projects and activities that are located in, and/or impact on two or more Mindanao regions.

f) Integrated Mindanao development framework – an economic blueprint focusing on the relationship of economic growth, poverty alleviation and peace and security for Mindanao

g) Comprehensive data-base – all relevant information about Mindanao collected by the Authority and consolidated and maintained as a knowledge-based system by the Office of Knowledge Management of MinDA

h) Mindanao-specific inter-regional projects – this term may be used interchangeably with inter-regional programs and projects.

i) Mindanao-wide programs and projects – refer to programs, projects and activities that are located in and/or impact on all six regions of Mindanao.

j) Mindanawons – Filipinos, regardless of culture, tribe or religious creed, living in Mindanao.

k) Official Development Assistance (ODA) – as defined in the ODA Act of 1996, is a loan or a grant administered with the objective of promoting sustainable social and economic development and welfare of Mindanao. It includes grants and loans at concessional rates from official donors, both bilateral (individual country) and multilateral such as the World Bank and the Asian Development Bank.

l) Regional Development Council (RDC) – the highest policy-making body in the region as mentioned in Sec. 14, Art. X of the 1987 Constitution and provided for in Letter of Instruction No. 22 of 1972, and Executive Order No. 325 (s.1996).

m) Regional Economic Development Planning Board (REDPB) – the planning agency of the Autonomous Region in Muslim Mindanao, chaired by the ARMM governor, as defined in Sec. 10, Art. XII of RA 9054.

n) Region-specific programs, activities and projects with Mindanao-wide impact – refers to programs, projects and activities in Mindanao that are located in one region but may impact on two or more regions.

Rule 3
The Mindanao Development Authority (MinDA)

Section 1. Creation of MinDA – The Mindanao Development Authority, hereinafter referred to as the 'Authority,' is hereby created which shall promote, coordinate and facilitate the active and extensive participation of all sectors to effect the socio-economic development of Mindanao.

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Section 2. Coverage – The Authority shall cover all the provinces and cities of Regions IX, X, XI, XII, Caraga and the Autonomous Region in Muslim Mindanao (ARMM); Provided, That the Province of Palawan shall be included in its coverage only as it pertains to its involvement in the BIMP-EAGA.

Section 3. Principal Office and Term – The Authority shall have its main office in Maramag, Bukidnon. It may establish area management offices (AMOs), if necessary, to achieve the objectives of this Act. The Authority shall also have a term of fifty (50) years from the effectivity of this Act and renewable for the same period unless otherwise provided by law.

The AMOs shall serve as the Authority's direct link to various sectors and stakeholders in the area and to ensure stronger coordination with the local government units. The AMOs shall also be the Authority's facility for feedback, monitoring and timely response mechanism on issues and concerns on the ground that needs to be reported and addressed by the Authority or by other higher authorities such as the President.

Section 4. Powers and Functions – The Authority shall exercise planning, monitoring, coordinating and similar functions which are Mindanao-wide and/or Mindanao-specific in character, and shall have the following powers and functions subject to applicable laws, rules and regulations:

(a) formulate an integrated development framework for Mindanao that is consistent with the peace and development initiatives of the national government, as far as practicable;

(b) integrate, prioritize, program and implement, whenever allowed and authorized by applicable laws, Mindanao-wide, inter-regional and region-specific programs, activities and projects with Mindanao-wide impact, including Official Development Assistance (ODA) projects, those that are cross-sectoral and/or do not have clear mandated implementing agencies, subject to such limitations prescribed by existing laws, rules and regulations;

(c) Recommend to and, whenever necessary, call upon the proper agencies on the technical support, physical assistance and generally, the level of priority to be accorded to agricultural, industrial commercial and infrastructure, environmental and technological programs and projects soliciting or requiring direct or indirect help from or through the national government or any of its instrumentalities;

(d) Advocate to the constituents of Mindanao, their elected representatives in Congress and the national government, national policies that will foster the integrated and balanced development of Mindanao;

(e) Promote and facilitate investments in any field that would enhance the socio-economic development of Mindanao and uplift the living standards of the people and their socio-political activities in close coordination with agencies primarily mandated to undertake such functions;

(f) Explore sources for financing priority Mindanao-wide and/or Mindanao-specific inte-regional programs and projects;

(g) Coordinate and facilitate the extension of necessary planning, management and technical assistance to prospective and existing investors, complementary and in support of agencies primarily mandated to execute such functions;

(h) Establish a comprehensive and integrated database on Mindanao and the BIMP-EAGA needed for planning and decision-making;

(i) Monitor, evaluate and formulate recommendations in the implementation of Mindanao-wide and/or Mindanao specific inter-regional development programs, activities, and projects, including ODA projects involving at least two regions; integrate and analyze accomplishment reports of Mindanao-wide and/or Mindanao specific inter-regional development programs, activities, and projects to generate a consolidated

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Mindanao status of development report ensuring participation and contribution of all Mindanao stakeholders in the process;

(j) On the basis of stakeholders-informed analysis of Mindanao development situation and prospects, provide strategic direction for Mindanao;

(k) Establish appropriate mechanisms to ensure the timely implementation of Mindanao-wide and/or Mindanao-specific inter-regional projects, whenever necessary, as far as practicable, including but not limited to, public-private partnership;

(l) Review and recommend for approval by the National Economic and Development Authority (NEDA) Board such Mindanao-wide and Mindanao-specific inter-regional programs, projects and plans by the national government and donor agencies subject to existing laws, rules and regulations;

(m) In conjunction with Rule 6 of this IRR, act as the official and permanent Philippine Coordinating Office for BIMP-EAGA (PCOBE) and as lead agency of the government in coordinating the formulation and implementation of policies and programs including the monitoring of all activities related thereto including, but not limited to, the following:

a. Coordinate with relevant stakeholders in all policy deliberations concerning BIMP-EAGA;

b. Initiate and coordinate the establishment of the BIMP-EAGA desks in concerned national agencies, local government units and private enterprises;

c. Advocate for the adoption/approval of policies, initiatives and strategies that will enhance the country's participation in the BIMP-EAGA;

d. Initiate and facilitate sourcing of technical and other forms of assistance to BIMP-EAGA projects/initiatives and ensure efficient and effective support services for the Philippines' BIMP-EAGA operations and coordinate budgetary requirements for this purpose;

e. Monitor developments in the BIMP-EAGA and follow-through agreements entered into by the Philippine parties;

f. Represent and strengthen the participation of the Philippine-focus areas for the BIMP-EAGA which are Mindanao and Palawan;

g. Coordinate with the private sector in all policy deliberations concerning the BIMP-EAGA;

h. Act as a databank for the BIMP-EAGA and other related matters by collecting, consolidating and processing them for dissemination to various groups;

i. Formulate and develop new plans and/or programs for the Philippine participation in the BIMP-EAGA based on the consensus of the BIMP-EAGA Clusters and Working Groups and/or Heads of State, Signing Ministers and Senior Officials;

(n) Receive and administer donations, contributions, grants, bequests or gifts, in cash or in kind, from foreign governments, international agencies, private entities and other sources, including ODA, to be used in the development of Mindanao, subject to existing laws, rules and regulations;

(o) To sue and be sued, enter into contracts, acquire, purchase, hold, lease, transfer, dispose of property of any kind or nature to carry out the purposes of this Act; and,

(p) Discharge other functions that may be deemed necessary or as may be provided by law.

The Authority, through the MinDA Chairperson, shall submit to the President and both Houses of Congress

annual reports on its accomplishments and activities.

Rule 4
MinDA Board of Directors

Section 1. Board of Directors – The Authority's overall directions and thrusts shall be provided and approved, unless provided otherwise in this Act, by the MinDA Board of Directors, hereinafter referred to as the 'Board.'

Section 2. Composition – The Board shall be composed of the following members:

(a) The MinDA Chairperson;

(b) The Chairpersons of the Regional Development Councils (RDCs) of Regions IX, X, XI, XII and XIII and the Regional Economic Development and Planning Board (REDPB) of the ARMM;

(c) A Senator, upon designation by the Senate President, who shall be an ex officio member;

(d) The Chairperson of the House Committee on Mindanao Affairs, who shall be an ex officio member;

(e) The Chairperson of the House Committee on BIMP-EAGA Affairs, who shall be an ex officio member;

(f) A Mindanao Local Chief Executive (LCE) designated by the Union of Local Authorities of the Philippines (ULAP);

(g) The President of the Mindanao Confederation of Governors, City Mayors and Municipal Mayors' League Presidents;

(h) The Administrator of the Southern Philippines Development Authority (SPDA);

(i) The Head of the National Commission on Muslim Filipinos (NCMF) or its successors-in-interest; and,

(j) The three (3) representatives from the private sector to be appointed by the President, upon the recommendation of the Board comprising of one (1) representative each from the

(1) Business Sector

(2) Mindanao Academic Sector; and

(3) Mindanao Non-Government Organization (NGO) Sector. The NGO representative should come from a Mindanao-based NGO.

It is preferable that the business sector representative come from a business organization or is known to possess a perspective on Mindanao's economic development. It is also preferable that the academic sector representative possesses the necessary expertise on Mindanao. Both shall be recommended by a group with corresponding sectoral interests.

Section 3. Appointment, tenure and per diems – The term of the three (3) representatives from the private sector shall be six (6) years.

At the initial appointment of such members, the second member to be appointed shall only serve a term of four (4) years and the third member to be appointed shall only serve a term of two (2) years. They shall continue to hold office until their successors shall have been appointed. All vacancies prior to the expiration of the term shall be filled for the unexpired term only.

Members of the Board shall receive a per diem of not more than Five thousand pesos (P5,000.00) for every Board meeting; Provided, however, That the per diem collected per month does not exceed the equivalent of four (4) meetings; Provided, further, That the amount of per diem for every Board meeting may be increased by the

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President not earlier than two (2) years after its last increase.

In addition to their per diems, the members of the Board who are from the private sector shall be provided by the MinDA with accommodations while on travel to attend official meetings, while those members who are elected or appointed public officials shall charge the travel costs of their respective offices, subject to applicable laws and regulations.

Section 4. Powers and functions – The Board shall have the following functions-

(a) Provide direction and guidance for the Authority's work and thrusts for Mindanao;

(b) Ensure that the goals and policies of the Authority are consistent with the overall national development goals and objectives;

(c) Ensure that the programs of the Authority are consistent with regional and local development plans, programs and projects and vice versa for purposes of harmonization;

(d) Explore sources for financing of priority Mindanao-wide and/or Mindanao-specific inter-regional plans, programs, projects and activities;

(e) Create committees/task forces as may be deemed necessary in the accomplishment of duties and functions;

(f) Determine schedules, establish voting procedures, criteria for the constitution of a quorum and other rules and regulations in the conduct of Board meetings. All rules and regulations issued in accordance with the provisions of this IRR shall be formally promulgated and periodically reviewed by the Board.

(g) Perform such other functions as may be necessary to carry out the purposes of this Act.

Section 5. Meetings and Quorum – The Board shall convene from time to time or on special meetings as may be called by the Chairman, to discuss issues and recommend policies and programs to ensure the widest possible development benefits for Mindanao.

A quorum consisting of fifty percent plus one (50% + 1) of the total Board members shall be required for the Board to validly transact business or to resolve the issues of the day.

Rule 5
MinDA Executive Committee

Section 1. Executive Committee – the Board shall constitute an Executive Committee, hereinafter referred to as the 'Execom,' from among its membership.

Section 2. Composition – To ensure inter-regional representation and participation, the following shall comprise the Execom –

(a) The MinDa Chairperson;
(b) The Chairpersons of the RDCs and REDPB;
(c) The Representative from the Mindanao Business Sector; and
(d) The Representative from the Mindanao NGO Sector

Section 3. Powers and Functions – The Execom shall act for and on behalf of the Board when the Board is not in session, on urgent matters as may be deemed necessary by the Chairperson. For this purpose, the Board shall promulgate rules and regulations from which the Execom shall draw its powers and functions.

Rule 6
BIMP-EAGA Advisory Board

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Section 1. BIMP-EAGA Advisory Board – There is hereby constituted a BIMP-EAGA Advisory Board.

Section 2 . Composition – It shall be composed of the following:

(a) MinDA Chairperson as Head;

(b) Chairpersons of the RDCs of Regions IX, X, XI XII and XIII and the REDPB of ARMM;

(c) A Senator, upon designation by the Senate President, who shall be an ex officio member;

(d) Chairperson of the Special Committee on East ASEAN Growth Area of the House of Representatives, who shall be an ex officio member;

(e) Mayor of Puerto Princesa City;

(f) Provincial Governor of Palawan; and

(g) Two (2) Philippine Country Representatives to the BIMP-EAGA Business Council (BEBC).

Section 3. Powers and Functions – The Board shall convene from time to time to discuss issues and recommend policies and programs to ensure the widest participation of Mindanao and Palawan in the activities of the BIMP-EAGA and submit the same to the MinDA Board of Directors for approval.

It shall make recommendations to the Chairperson, being the Head of the PCOBE. The PCOBE, in consultation with the BIMP-EAGA Board, shall draw up its own procedures for making recommendations, finalizing decisions and overseeing implementation of BIMP-EAGA activities in Mindanao and Palawan.

Section 4. Relations with the Department of Foreign Affairs (DFA). – As the PCOBE, the MinDA shall coordinate with the Department of Foreign Affairs–ASEAN which acts as the ASEAN National Secretariat, on matters related to BIMP-EAGA.

In this instance, the MinDA may also provide the DFA a summary of the records of meetings and other relevant documents of the BIMP-EAGA and may call on the DFA's participation or assistance on issues concerning BIMP-EAGA.

The MinDA may also tap the Philippines' Permanent Mission in Jakarta regarding BIMP-EAGA or ASEAN matters.

Rule 7

The Authority's role in the formulation of an integrated development framework for Mindanao –

Section 1. The Authority shall formulate an integrated development framework for Mindanao and its corresponding Mindanao investment program that is, as far as practicable, consistent with the peace and development initiatives of the national government.

Section 2. There shall be an Office for Planning, Policy and Programming within the Authority which shall spearhead the formulation of an integrated development framework and investment program for Mindanao. Systems and mechanisms such as task forces, technical working groups and committees may be created by the Board to facilitate the planning and investment programming process.

The formulation of this framework shall be conducted through participation of stakeholders and involving multi-disciplines in order to engender ownership and stakeholder commitment to the framework and shall ensure that the framework is integrated and holistic. Stakeholders to be consulted shall include but shall not be limited to the RDCs in Mindanao, the REDPB of the ARMM, national line agencies and their regional offices, and other key

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Mindanao groups and individuals.

The composition of the investment program shall be done primarily in consultation with the RDCs, the REDPB and the national line agencies and their regional offices. The Authority shall ensure that the projects and programs enumerated in this investment program support the goals, objectives and strategies of the integrated Mindanao framework.

Section 3. Upon approval by the Board, the integrated development framework for Mindanao and its corresponding investment program shall be furnished to the NEDA Board for integration into the national plan. It shall be disseminated to the RDCs, the REDPB, national government agencies and their regional offices in Mindanao, Mindanao LGUs, donor agencies, donor-supported projects operating in Mindanao, and to other development partners to guide the formulation of their respective short, medium- and long-term plans and public investment programs, especially if these will have interregional and Mindanao-wide scope and impact.

Section 4. To ensure consistency of agency plans with the Mindanao framework especially for inter-regional or Mindanao-wide concerns, the LGUs shall undertake plans, programs and projects that are within their territories and basic services mandated under the Local Government Code, in conformity with the integrated development framework for Mindanao.

Section 5. The Authority shall submit the Mindanao Plan and other development plans and investment programs to NEDA for integration into the Medium-Term Philippine Development Plan (MTPDP) and Public Investment Program.

Rule 8

The Authority’s role in peace and development initiatives of the National Government

Section 1. The Authority shall ensure alignment and consistency of its policies and initiatives on peace, security and development with that of the National Government;

Section 2. As such, the Authority shall be guided by the principles embodied in the integrated peace and development framework plan for Mindanao and the national peace plan as embodied in the Medium-term Philippine Development Plan in the implementation and dispensation of its functions and roles relative to the policies and initiatives of the National Government;

Section 3. The Authority shall coordinate and work with government agencies such as the National Disaster Risk Reduction and Management Council (NDRRMC) and its regional/local councils, the Peace and Order Councils in the regions of Mindanao and/ or create new mechanisms deemed necessary to facilitate the government’s response to disasters as well as conflict-affected communities.

Rule 9

The Authority’s role in the advocacy of formulated policies for Mindanao development

Section 1. The Authority shall conduct regular and timely fora or roundtable discussions with Mindanao stakeholders to identify and generate Mindanao policy issues. It shall take the lead in identifying inter-regional and Mindanao-wide programs and projects and identify those gaps that are not covered by agencies involved in Mindanao’s development.

Section 2. The policy issues so identified shall comprise the Mindanao policy agenda which the Authority shall consolidate for prioritization by the Board.

Section 3. The Board shall review the Mindanao policy agenda annually and modify it as necessary.

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Rule 10

The Authority's role in the promotion of investments to enhance the socio-economic development of Mindanao

Section 1. In coordination with concerned agencies, the Authority shall –

a) institute an investments-facilitation unit or mechanism that will provide assistance, referral and consultancy services to investors, both local and foreign, from inception to conversion into actual business ventures;

b) promote and market Mindanao-wide and/or inter-regional investment opportunities;

c) encourage and facilitate the conduct of incoming and outgoing trade missions that require Mindanao-wide and/or BIMP-EAGA participation; and,

d) coordinate with the Public-Private Partnership (PPP) Center in packaging feasible projects for Mindanao, including monitoring the progress of the PPP proposals or projects in Mindanao.

Rule 11

Institutional linkages.

Section 1. Institutional Linkages – The Authority shall, in the implementation and delivery of its mandate in Mindanao, consult, coordinate and work closely with the local government units, the national government agencies, accredited people's organizations (POs), non-governmental organizations (NGOs) and the private sector including but not limited to humanitarian organizations, in Mindanao.

Furthermore, where other national line agencies or their regional offices, or such other executive or government offices are exercising their powers and functions in Mindanao, the Authority shall respect and work with the mandates of such offices and consult with their appropriate heads of office in the delivery of the MinDA's services.

Section 2. Relationship with national agencies and Government-owned or – Controlled Corporations (GOCCs). To effectively implement the provisions of this Act and to ensure complementation and synergy among regions, the Authority shall consult and coordinate its policies, programs and projects, particularly in the integration of peace and development efforts for Mindanao with national agencies and GOCCs.

In relation to Pars. (a), (b) and (c), Section 6 (Powers and Functions of MinDA, RA 9996) of the Act and whenever relevant to its other provisions, the Authority shall institute a policy requiring government agencies to provide it with information on their latest plans, programs or initiatives.

Section 3. Relationship with the Southern Philippines Development Authority (SPDA). – In cognizance of the role of the Administrator of the Southern Philippines Development Authority (SPDA) as a member of the Board of Directors, the Authority shall consult or maintain close coordination with the SPDA on matters of mutual interest, including the BIMP-EAGA. Should there be issues in the relationship requiring terms of reference or specific matters, these shall be the subject of the Memoranda of Agreement of the parties concerned.

Section 4. Autonomous Region In Muslim Mindanao (ARMM). The Authority shall work with the Regional Economic and Development Planning Board (REDPB) of the Autonomous Region of Muslim Mindanao (ARMM).

Section 5. Relationship with Regional Development Councils (RDCs) – The Authority shall consult, coordinate and work closely with RDCs and the REDPB for ARMM regarding their programs and projects including their respective policy agenda.

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Section 6. Relationship with the Local Government Units (LGUs). – The Authority, in the pursuit of its efforts and initiatives to promote Mindanao development shall coordinate with, consult or implement its policies, programs and projects in coordination with the ARMM Regional Government (ARG) and local government units.

Rule 12
MinDA Structure

Section 1. Organizational Structure. – The Chairperson shall determine the organizational structure, staffing pattern and pay scales of the Authority subject to existing Civil Service and compensation laws. The Chairperson may reorganize the Authority and may create or abolish divisions, units or branches therein as the exigencies of the affairs of the Authority may require.

Section 2. Appointment of a Vice-Chairperson. – The Chairperson, with the concurrence of the Board of Directors, may appoint a Vice-Chairman who may preside at meetings on behalf of the Chairperson.

Section 3. Manila Liaison Office – An office known as the Manila Liaison Office (MLA), shall be established in Metro Manila to assist the Authority and to perform such other functions as the Chairman may require.

Section 4. Human Resources. – To ensure deep understanding and promote a vibrant collaboration among Mindanao stakeholders with respect to customs, traditions and the multi-cultural environment of Mindanao, the Authority shall promote equitable opportunities within the office by hiring qualified Mindanawons whenever possible.

The Authority shall also adopt a human resources development program that will enhance not only the knowledge, skills and attitudes but will also put primacy on more understanding and appreciation of the customs, traditions and culture of Mindanao.

Section 5. Merit System – All officials and employees of the Authority shall be selected and appointed on the basis of merit and fitness in accordance with Civil Service law, rules and regulations. The recruitment, transfer, promotion and dismissal of all its personnel including temporary workers shall be governed by a merit system that will be established by the Authority in compliance with existing laws, rules and regulations.

Rule 13
Executive Officers of MinDA

Section 1. MinDA Chairperson – The MinDA Chairperson shall be appointed by the President of the Philippines with a Cabinet rank and shall act as the Head of Office. He/she shall serve a term of six (6) years from the date of his/her appointment unless removed for cause.

No person shall be appointed as Chairperson unless he/she is a holder of a degree in law or a masteral degree in any of the following fields: economics, business, public administration, law, management or their equivalent and have at least ten (10) years relevant experience in said fields.

In addition, the Chairperson shall be a resident of Mindanao for at least five (5) years before the appointment.

The Chairperson shall reside in Mindanao during the incumbency of his/ her term.

The Chairperson shall also serve as the Philippine Senior Official for BIMP-EAGA and shall likewise be an ex officio member of the NEDA Board and the Tourism Infrastructure and Enterprise Zone Authority (TIEZA) Board.

Section 2. Powers and Functions of the Chairperson – The Chairperson shall have the following duties and functions:

(a) Call and preside over meetings of the Board and see to it that the policies, programs and rules and regulations are implemented properly;

(b) Call on formidable players in the formulation and implementation of a comprehensive and integrated development plan for Mindanao, investment programs and the preparation of investment programming priorities, annual reports and other pertinent documents approved by the Authority;

(c) Identify solutions to key issues and concerns, taking into account related risks, affected parties and impact, in coordination with the Board and key stakeholders;

(d) Advocate the Authority's works among the various concerned sectors and stakeholders;

(e) Call on any agency, group, individual member of the Board, local government units and host community to address issues and concerns relating to implementation of major programs, projects and activities;

(f) Supervise the monitoring and timely implementation of Mindanao-wide and/or Mindanao specific inter-regional programs, projects and activities;

(g) Endorse to the Board all policy recommendations, plans and programs for approval;

(h) Represent the Board in regular and special Cabinet meetings;

(i) Convene the BIMP-EAGA Advisory Board to discuss issues and concerns and recommend policies and programs to ensure the widest participation of Mindanao and Palawan in the BIMP-EAGA;

(j) Accept, on behalf of the Authority, donations, contributions, grants and bequests or gifts, in cash or in kind, from members, foreign government, international agencies, private entities or any individual for purposes that will realize the functions of the Authority;

(k) Supervise administrative operations including disbursement of any fund of the Authority, subject to the usual accounting and auditing procedures, and submit reports thereon;

(l) Execute and administer the policies and measures approved by the Board;

(m) Appoint all employees of the Authority, and remove, dismiss or otherwise discipline for cause, such employees in accordance with the standard guidelines for recruitment, employment and discipline in the Civil Service Code;

(n) Represent the Authority in all dealings with other offices, agencies and instrumentalities of the government and with all persons and entities, public or private;

(o) Sign agreements and/or contracts on behalf of the Authority, including those for expert and consultant services and other reports of accountabilities emanating from the Authority;

(p) Endeavor to have the Mindanao component included and elaborated in the national economic development plan.

(q) Perform such other functions that the Board may direct to carry out the provisions of this Act.

Section 3. Executive Director – An Executive Director shall be appointed by the President of the Philippines upon recommendation by the Chairperson.

No person shall be appointed to the position unless he/she is a holder of a degree in any of the following fields: economics, business, public administration, law, management or their equivalent and have at least five (5) years relevant experience in said fields.

Furthermore, he/she shall be a resident of Mindanao for at least five (5) years prior to his/her appointment and has

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the requisite eligibilities for third level career service position pursuant to the career executive rank system.

The Executive Director shall reside in Mindanao during his/her incumbency.

Section 4. Powers and Duties of Executive Director – The Executive Director shall assist the Chairperson in carrying out the functions of the Authority and shall, likewise, serve as the Secretary of the Board. Furthermore, the Executive Director shall perform the following duties:

a) Administration of the Authority and the supervision of subordinate personnel;

b) Supervise the operation of various operating units of the Authority; and

c) Perform such other duties and functions as are incidental or related to the above functions or as may be lawfully delegated by the Chairperson from time to time.

Rule 14
Appropriations

Section 1. Appropriations. The amount necessary to finance the initial implementation of this Act shall be charged against the current year's appropriations of the Mindanao Economic Development Council (MEDCo). Thereafter, the current budget shall be increased by one hundred percent (100%), which amount shall be included in the annual General Appropriations Act (GAA) for its continued implementation.

The Authority shall also recommend appropriations for Mindanao-wide development programs and projects to be implemented, or which are inter-regional in scope, as provided for in par. (b) Section 6 of the Act.

The current appropriations of the MEDCo shall be transferred to the Authority to commence its activities.

Rule 15

Amendments and Revisions of the Implementing Rules and Regulations

Section 1. Amendments or Revisions. – Whenever the Board may find it necessary to effectively carry out the Authority's mandate or if it may find it relevant and proper to do so, the Board may amend or revise this IRR.

Rule 16
Transitory and Final Provisions

Section 1. Abolition and Transfer. – The Mindanao Economic Development Council (MEDCo), created under Executive Order No. 512 (s. 1992) and as amended by Executive Order No. 244 (s. 2000), Executive Order No. 354 (s. 2004), Executive Order No. 357 (s. 2004) and Executive Order No. 757 (s. 2008) is hereby abolished. All its budgetary appropriations, finances, properties, records, equipment, rights and other assets as well as liabilities are hereby transferred to the Authority.

Section 2. No mandatory separation. – There shall be no mandatory separation of any employee as a result of the conversion of the MEDCo to MinDA. All incumbent officers and employees of the MEDCo shall continue in office as officers and personnel of the Authority without demotion in rank nor diminution in pay and fringe benefits. However, if any employee elects to leave the service or retire, said employee shall be entitled to claim separation or retirement benefits as may be provided under existing laws governing the civil service or other laws and issuances whichever may be beneficial to the employee concerned.

Section 3. Office. – The Authority shall continue to hold office in Davao City until such time that a permanent structure shall have been established in Maramag, Bukidnon.

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Section 4. Repealing Clause. – All laws, decrees, executive orders, rules and regulations or parts thereof that are inconsistent with or contrary to the provisions of this Act are hereby repealed or modified accordingly.

Nothing in the Act or this IRR shall diminish the powers and functions of the Mindanao Development Authority as provided for under this Act.

Section 5. Separability Clause. – If any part or provision of these implementing rules and regulations are held unconstitutional or invalid, other parts or provisions hereof which are not affected shall continue to remain in full force and effect.

Section 6. Effectivity. – These Implementing Rules and Regulations shall be presented to the Board of Directors for approval. Following such approval, it shall be published in at least two (2) newspapers of general circulation and shall take effect fifteen (15) days thereafter

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