

REORGANIZATION OF THE MINISTRY OF EDUCATION, CULTURE AND SPORTS PRESCRIBING ITS POWERS AND FUNCTIONS AND FOR OTHER PURPOSES

EXECUTIVE ORDER NO. 117, January 30, 1987

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RECALLING that the reorganization of the government is mandated expressly in Article II Section 1 (a) and Article 111 of the Freedom Constitution;

HAVING IN MIND that, pursuant to Executive Order No. 5 (1986), it is directed that necessary and proper changes in the organizational and functional structures of the government, its agencies and instrumentalities, be effected in order to promote efficiency and effectiveness in the delivery of public services;

CONSIDERING that education is a basic responsibility of the State as ordained in the Constitution;

TAKING NOTE that, in order to accomplish such responsibility, and guarantee an efficient and effective delivery of public services, it is imperative to reorganize and strengthen the Ministry of Education, Culture and Sports;

REALIZING that it is also necessary to redefine the mandate, powers and functions of the same Ministry to avoid any overlapping and to fix responsibilities therein;

NOW, THEREFORE, I, CORAZON C. AQUINO, President of the Philippines, by virtue of the powers vested in me by the sovereign will of the Filipino People and the Freedom Constitution, do hereby order:

SECTION 1. Title. – This Executive Order shall otherwise be known as the Reorganization Act of the Ministry of Education, Culture and Sports.

SEC. 2. Reorganization. – The Ministry of Education, Culture and Sports, hereinafter referred to as the Ministry, is hereby reorganized, structurally and functionally, in accordance with the provisions of this Executive Order.

SEC. 3. Declaration of Policy. – It is hereby declared as a basic State policy that the education system shall make a maximum contribution to the attainment of national development goals; that the State shall promote and maintain equality of access to education and enjoyment of the benefits thereof by all citizens; and that the State shall use education as an instrument for the development of the cultural communities of the nation and the deprived communities to enrich their participation in the community and national life and to unify all Filipinos into a free and just nation.

SEC. 4. Mandate. – The Ministry shall be primarily responsible for the formulation, planning, implementation and coordination of the policies, plans, programs and projects in the areas of formal and non-formal education at all levels, supervise all education institutions, both public and private, and provide for the establishment and maintenance of a complete, adequate and integrated system of education relevant to the goals of national development.

SEC. 5. Powers and Functions. – To accomplish its mandate and objectives, the Ministry shall have the powers and functions of formulating, planning, implementing and coordinating the policies, plans, programs and projects

for the following areas of responsibility:

(a)

Elementary, secondary, physical and international kinds of education;

(b)

Non-formal and vocational/technical kinds of education;

(c)

Higher education;

(d)

Development of culture;

(e)

Foreign and locally assisted projects and other activities relative to Subsections (a), (b), (c) and (d).

SEC. 6. Structural Organization. – The Ministry, aside from the Ministry Proper, shall consist of Bureaus and Regional Offices.

SEC. 7. Ministry Proper. – The Ministry Proper shall consist of the following units:

(a)

Office of the Minister;

(b)

Planning Service – The Planning Service shall be responsible for providing the Ministry with economical, efficient, and effective services relating to planning, programming, and project development.

(c)

Financial and Management Service – The Financial and Management Service shall be responsible for providing the Ministry with staff advice and assistance on budgetary, financial, and management improvement matters.

(d)

Administrative Service – The Administrative Service shall be responsible for providing the Ministry with economical, efficient, and effective services relating to legal assistance, information, records, supplies, equipment, collection, disbursement, security and custodial work.

(e)

Human Resources Development Service, which is hereby created to:

- Develop and administer a personnel program which shall include selection and placement, classification and pay, career and employment development, performance rating, employee relations and welfare services.

- Act on all matters concerning attendance, leaves of absences, appointments, promotions, and other personnel transaction.

- Conduct training programs in the Ministry.

(f)

Technical Service, which shall include the Office of the Head Executive Assistant and the Information and Publication Service – The Technical Service shall take charge of technical staff activities peculiar to a Ministry which cannot be allocated to the four (4) other services.

SEC. 8. Minister of Education, Culture and Sports. – The authority and responsibility for the exercise of the mandate of the Ministry and for the discharge of its powers and functions shall be vested in the Minister of Education, Culture and Sports, hereinafter referred to as Minister, who shall have supervision and control of the Ministry and shall be appointed by the President.

SEC. 9. Office of the Minister. – The Office of the Minister shall be composed of the Minister and his immediate staff as determined by him.

SEC. 10. Deputy Ministers. – The Minister shall be assisted by five (5) Deputy Ministers appointed by the President upon the recommendation of the Minister, each of whom shall be responsible for each of the following areas of responsibility:

(a)

Elementary education, secondary education, physical education, and international education programs and centers;

(b)

Non-formal education, vocational/technical education, and youth organizations;

(c)

Higher education, cultural agencies, and foreign assisted projects;

(d)

Internal administration and management, and regional coordination;

(e)

Legal and legislative affairs, and other attached agencies and centers.

SEC. 11. Bureau of Elementary Education. – The Bureau of Elementary Education shall have the following functions:

(a)

Conduct studies and formulate, develop and evaluate programs and educational standards for elementary education;

(b)

Undertake studies necessary for the preparation of prototype curricular designs, instructional materials, and teacher training program for elementary education;

(c)

Formulate guidelines to improve elementary school physical plans and equipment, and general management of these schools;

(d)

Perform other functions provided by law.

SEC. 12. Bureau of Secondary Education. – The Bureau of Secondary Education shall have the following functions:

(a)

Conduct studies and formulate, develop and evaluate programs and educational standards for secondary education;

(b)

Develop curricular designs, prepare instructional materials and prepare and evaluate programs to upgrade the quality of the teaching and non-teaching staff at the secondary level.

(c)

Formulate guidelines to improve the secondary school physical plants and equipment, and general management of these schools;

(d)

Perform other functions provided by law.

SEC. 13. Bureau of Technical and Vocational Education. – The Bureau of Technical and Vocation Education shall have the following functions:

(a)

Collaborate with other agencies in formulation of manpower plans;

(b)

Develop studies, formulate, develop and evaluate post-secondary vocational-technical programs and recommend educational standards for these programs;

(c)

Develop curricular designs and prepare instructional materials, prepare and evaluate programs to upgrade the quality of teaching and non-teaching staff, and formulate guidelines to improve the physical plant and equipment of post-secondary vocational-technical schools.

SEC. 14. Bureau of Higher Education. – The Bureau of Higher Education shall have the following functions:

(a)

Develop, formulate and evaluate programs, projects and educational standards for a higher education;

(b)

Provide staff assistance to the Board of Higher Education in its policy and advisory functions;

(c)

Provide technical assistance to encourage, institutional development programs and projects;

(d)

Compile, analyze and evaluate data on higher education;

(e)

Perform other functions provided by law.

SEC. 15. Bureau of Continuing Education, hereby renamed as Bureau of Non-Formal Education. – The Bureau of Continuing Education shall have the following functions:

(a)

Serve as a means of meeting the learning needs of those unable to avail themselves of the educational services and program of formal education;

(b)

Coordinate with various agencies in providing opportunities for the acquisition of skills necessary to enhance and ensure continuing employ-ability, efficiency, productivity, and competitiveness in the labor market;

(c)

Serve as a means for expanding access to educational opportunities to citizens of varied interests, demographic characteristics and socio-economic origins of status.

SEC. 16. Bureau of Sports Development, hereby renamed as Bureau of Physical Education and School Sports. – The Bureau of Physical Education and School Sports shall have the following functions:

(a)

Develop human resources through mass-based sports education;

(b)

Improve the general fitness of the citizenry;

(c)

Promote social and cultural integration through the revival of indigenous games and sports;

(d)

Identify and nurture sports talents; and promote excellence in sports, traditional games and other physical activities.

(e)

Perform other functions as may be provided by law.

SEC. 17. Attached Agencies. – The following agencies are hereby attached to the Ministry:

(a)

National Museum;

(b)

National Library;

(c)

National Historical Institute;

(d)

Institute of National Language, which is hereby renamed as Institute of Philippine Languages.

SEC. 18. Supervised and Controlled Agencies. – The Ministry shall exercise supervision and control over the following agencies to wit:

(a)

Health and Nutrition Center;

(b)

National Education Testing Center, which is hereby renamed the National Education Testing and Research Center.

SEC. 19. Reorganized and Integrated Agencies. – The following agencies are hereby reorganized and integrated into other units as follows:

(a)

The Child and Youth Research Center, to be integrated into the National Education Testing Center;

(b)

The Population Center, to be integrated into both the Bureau of Elementary Education and the Bureau of Secondary Education;

(c)

The Foreign Students and Programs Assistance Unit, to be integrated into the Bureau of Higher Education;

(d)

The National Scholarship and Student Loan Center, to be integrated into the Bureau of Higher Education,

SEC. 20. The following agencies shall continue to be attached to the Ministry. – Instructional Materials Corporation; Instructional Materials Council; Educational Development Projects Implementing Task Force; Educational Assistance Policy Council; National Youth and Sports Development Board; National Social Action Council; National Board for Teachers; the Boy Scouts of the Philippines; and Girl Scout of the Philippines.

SEC. 21. State College and Universities. – By virtue of his chairmanship of their boards of trustees as provided in their respective charters, the Minister, directly or through his Deputy Ministers, shall continue to govern state colleges and universities.

SEC. 22. Board of Higher Education. – The Board of Higher Education is hereby reactivated and mandated to articulate the policy and support frameworks for both public and private post-secondary education.

SEC. 23. Regional Offices. – The Ministry is hereby authorized to establish, operate and maintain in a Regional Office in each of the administrative regions of the country. Each Regional Office shall be headed by a Regional Director who shall be assisted by an Assistant Regional Director. The Regional Director shall be responsible for the School Divisions and their Superintendents within his administrative region.

A Regional Office shall have, within its administrative region, the following functions:

(a)

Implement laws, rules, regulations, policies, plans, programs and projects of the Ministry;

(b)

Provide efficient and effective service to the people;

(c)

Coordinate with regional offices of other ministries, offices and agencies in the region;

(d)

Coordinate with local government units;

(e)

Perform such other functions as may be provided by law.

SEC. 24. New Structure and Pattern. – Upon approval of this Executive Order, the officers (the term “officer” as used in this Executive Order is intended to be within meaning of the term “official” as used in the Freedom Constitution and the succeeding Constitution) and employees of the Ministry shall, in a hold-over capacity, continue to perform their respective duties and responsibility and receive the corresponding salaries and benefits unless in the meantime they are separated from the service pursuant to Executive Order No. 17 (1986) or Article III of the Freedom Constitution.

The new position structure and staffing pattern of the Ministry shall be approved and prescribed by the Minister within one hundred twenty (120) days from the approval of this Executive Order and the authorized positions created thereunder shall be filled with regular appointments by him or by the President as the case may be. Those incumbents whose positions are not included therein or who are not reappointed shall be deemed separated from the service shall receive the retirement benefits to which they may be entitled under existing laws, rules and regulations. Otherwise, they shall be paid the equivalent of one month basic salary for every year of service, or the equivalent nearest fraction thereof favorable to them on the basis of highest salary received, but in no case shall such payment exceed the equivalent of 12 months salary.

No court or administrative body shall issue any writ or preliminary injunction or restraining order to enjoin the separation/replacement of any officer or employee effected under this Executive Order.

SEC. 25. Periodic Performance Evaluation. – The Ministry is hereby required to formulate and enforce a system of measuring and evaluating periodically and objectively the performance of the Ministry and submit the same annually to the President.

SEC. 26. Notice or Consent Requirement. – If any organizational change herein authorized is of such substance or materiality as to prejudice third persons with rights recognized by law or contract such that notice to or consent of creditors is required to be made or obtained pursuant to any agreement entered into with any of such creditors, such notice or consent requirement shall be complied with prior to the implementation of such reorganizational change.

SEC. 27. Change of Nomenclatures. – In the event of the adoption of a new Constitution which provides for a president for a presidential form of government, the Ministry shall be called Department of Education, Culture and Sports and the titles Minister, Deputy Minister, and Assistant Minister shall be changed to Secretary,

Undersecretary and Assistant Secretary, respectively.

SEC. 28. Prohibition Against Change. – No change in the organization herein prescribed shall be valid except upon prior approval of the President for the purpose of promoting efficiency and effectiveness in the delivery of public services.

SEC. 29. Funding. – Funds needed to carry out the provisions of this Executive Order shall be taken from funds available in the Ministry.

SEC. 30. Implementing Authority of Minister. – The Minister shall issue such rules, regulations and other issuances as may be necessary to ensure the effective implementation of the provisions of this Executive Order.

SEC. 31. Separability. – Any portion or provision of this Executive Order that may be declared unconstitutional shall not have the effect of nullifying other portions or provisions hereof as long as such remaining portions can still subsist and be given effect in their entirety.

SEC. 32. Repealing Clause. – All laws, ordinances, rules, regulations, other issuances or parts thereof, which are inconsistent with this Executive Order, are hereby repealed or modified accordingly.

SEC. 33. Effectivity Clause. – This Executive Order shall take effect immediately upon its approval.

APPROVED in the City of Manila, Philippines, this 30th day of January, in the year of Our Lord, Nineteen Hundred and Eighty-seven.

(Sgd.) CORAZON C. AQUINO
President of the Philippines

By the President:

(Sgd.) JOKER P. ARROYO
Executive Secretary

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