NATIONAL ADMINISTRATIVE REGISTER · FEBRUARY 12, 2012

RE: RESOLUTION CLARIFYING THE ROLES OF THE EXECUTIVE DIRECTOR

TRB DIRECTORS' CERTIFICATE, February 12, 2012

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We, the undersigned members of the Board of Directors of Toll Regulatory Board, hereby unanimously adopt the following resolutions. Thus:

WHEREAS, Section 4 of Presidential Decre (P.D.) No. 1112 authorizes the board to create a Technical Staff including administrative and support staff as may be necessary to assist the Board in the fulfillment of its responsibilities and functions;

WHEREAS, the Executive Director of the Board has been designated as Hearing Officer of all petitions for toll rate adjustment, pursuant to the provisions of the Rules of Practice and Procedure Governing Hearing Before the Toll Regulatory Board;

WHEREAS, in the exigency of the service, there is a need to clarify the duties and responsibilities of the Executive Director of the Board as the head of the Technical and Administrative Staff of the Toll Regulatory Board who is primarily responsible for providing policy and operational guidance for program and activities, and providing personnel support for the staff of Toll Regulatory Board, as well as the function of the Executive Director as Hearing Officer.

IN VIEW OF THE FOREGOING CONSIDERATIONS, the Board hereby unanimously adopts the following resolutions –

RESOLVED, that the executive director of the Toll Regulatory Board (the 'Board') who is primarily responsible for providing policy and operational guidance for the program and activities, and providing personnel support for the staff, of Toll Regulatory Board ("TRB"), shall have the following powers, duties and functions:

- Implement policies for the effective and efficient operations of the TRB and promulgate rules, guidelines and memorandum circulars necessary to carry out the Office's objectives, policies, plans, programs and projects, as may be approved by the Board;

- Initiate, develop and formulate long range projects, plans and programs for approval of the Board, including executive training and development of the technical and administrative staff and the determination of their salaries, compensation, honoraria and allowances;

- Direct and supervise the over-all operations, internal functions and activities of the Office, including the appointment of the necessary administrative and subordinate personnel, the discipline of employees, and engagement of consultants, all in accordance with existing laws, rules and regulations. The Executive Director shall likewise have the power and authority to delegate authority for the performance of any administrative or substantive functions of other officials and employees of the Office;

- To be primarily responsible and accountable to the Board, with authority to approve, on behalf of the Board, technical matters pertaining to the operation and maintenance of toll facilities under the Board's jurisdiction

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which are referred to the TRB for approval; provided, that the approval thereof has been recommended by the Technical Staff and the Independent Consultant or equivalent entity; and provided further, that actions regarding non-routine matters shall be as may be delegated to the Executive Director from time to time by the Board through resolution/s.

- Execute on behalf of TRB all contracts, agreements and other instruments as approved by the Board;

- Execute, implement and enforce policies, programs, projects, rules and regulations of the Board, and present periodic reports to the Board regarding the implementation of the policies, programs, plans and projects of TRB; and

- Execute such other powers and functions, and performs such duties as are not specifically lodged in the Board but are incidental to executive Director's powers and functions, or are entrusted to him by the Board.

RESOLVED FURTHER, that all acts performed by the Executive Director, Atty. Edmundo O. Reyes, Jr., prior to the issuance of this resolution which pertain to the foregoing functions, are hereby ratified, affirmed and confirmed.

RESOLVED FURTHERMORE, that unless otherwise provided by the Board, the Executive Director shall act as Hearing Officer of all petitions for toll rate adjustment pursuant to the Rules of Practice and Procedure Governing Hearing Before the Toll Regulatory Board. As such Hearing Officer, the Executive Director shall take full control of the proceedings and shall limit the presentation of evidence to matters relevant to the issues and necessary for a just and speedy disposition of matters subject of the hearing. Thus, in furtherance thereof, the Hearing Officer shall exercise the following powers and functions:

- Preside in any public hearing, and set the schedules thereof. In conducting the public hearings, the Rules of Court shall apply insofar as they are applicable and the Rules of Evidence shall be liberally construed;

- Order the submission or filing of pleadings;

- Decide on all interlocutory matters presented to him for resolution;

- Rule on all questions of evidence including, but not limited to, questions of materiality, relevancy, competency or admissibility of evidence and incidental questions;

- Designate any Staff or consultant of TRB to assist or aid him in the conduct of the hearings;

- Perform such other acts as may aid him in the orderly conduct of the proceeding; and

- Submit a report to the Board forthwith after conducting the public hearing.

RESOLVED FINALLY, that the foregoing resolutions shall continue to be in full force and effect unless amended, modified or repealed by the Board in a resolution duly certified by the Board Secretary.

Adopted: 06 February 2012

(SGD.) USEC. RAFAEL ANTONIO M. SANTOS

Permanent Alternate Chairman, DOTC

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(SGD.) USEC. RAFAEL C. YABUT

(SGD.) DDG. NESTOR R. MIJARES IV

Alternate Member, DPWH

Alternate Member, NEDA

(SGD.) USEC. CARLO A. CARAG

(SGD.) ATTY. PABLO R. NAVA III

Alternate Member, DOF

Member, Private Sector

Attested by:

(SGD.) ATTY. RHOUAN S. LOSERIAGA

Acting Board Secretary

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