

ESTABLISHING A TECHNOLOGY UTILIZATION SUPPORT SYSTEM AND PROVIDING FUNDS THEREFOR AND FOR OTHER PURPOSES

EXECUTIVE ORDER NO. 548, July 23, 1979

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WHEREAS, the critical problem in the utilization of technology is the absence of sufficient and financial support for the pre-investment and project development activities necessary to implement the application of technology;

WHEREAS, there is a need for a system harnessing and organizing technical expertise in government agencies and private industry, to support the launching of projects particularly at the pre-investment stage;

WHEREAS, there are highly trained Filipino scientists and experts abroad that can be utilized for local technology delivery under the Balik-Scientist Program;

WHEREAS, there is a need to provide funding support to meet the pre-investment requirements for projects applying improved technologies;

WHEREAS, the Technology Resource Center is a government corporate arm, mandated by its Charter to deliver technology to industry, communities and households; and

WHEREAS, under Presidential Decree No. 1416, the President is given continuing authority to reorganize the National Government.

NOW, THEREFORE, I, FERDINAND E. MARCOS, President of the Philippines, by virtue of the powers vested in me by the Constitution, and pursuant to the authority vested in me by Presidential Decree No. 1416, do hereby order and ordain:

SECTION 1. Technology Utilization Service Corps. There shall be created in the Technology Resource Center a Technology Utilization Service Corps (hereinafter called the Corps) which shall provide technical, managerial, financial and marketing expertise to appliers and users of improved technologies at the pre-investment and project development stages. The Corps shall:

- (a) Identify, establish, and maintain a roster of technology resource experts from the government and private sectors, from within the country and abroad, including Filipino scientists under the Balik-Scientists Program of the National Science Development Board;
- (b) Identify, mobilize, and utilize such technology resource experts to assist technology users in undertaking the pre-investment and project development phases of projects utilizing improved and appropriate technology;
- (c) Serve as a referral and information center to link technology users to appropriate technology and technology expertise, and to provide assistance on government technology; and
- (d) Assist in identifying, evaluating, and obtaining the necessary project financing or guarantees from government and private financial institutions, including overseas bilateral, regional and international financing and where appropriate from the Technology Delivery Fund.

SEC. 2. Technology Utilization Service Teams. – There shall be organized by the TRC Director-General such Technology Utilization Service Teams (TUST) as necessary, composed of technology resource experts drawn from the roster of the Corps and assigned on a project basis. Any government technology resource experts in the roster of the Corps assigned to a TUST shall be detailed to TRC upon approval by the Office of the President for the duration of the particular project undertaken by a TUST, on a full-time or part-time basis as appropriate. The services of a TUST shall be provided by the Corps under such terms and conditions as may be agreed upon between TRC and the technology user.

The compensation, including honoraria and allowances of technology resource experts serving TUST's shall be determined solely by TRC upon recommendation by the Management Advisory Council, any law to the contrary notwithstanding.

To carry out its support services, effectively, TRC is hereby declared a critical government agency in accordance with PD No. 985, and Section 11 of PD No. 1097 is hereby reaffirmed, any law to the contrary notwithstanding.

SEC. 3. Equity Contribution. – To carry out the functions specified in this Executive Order, TRC is hereby provided a capitalization in the amount of Sixty-Five Million Pesos (P65,000,000.00) consisting of an initial sum of Five Million Pesos (P5,000,000.00) provided by the National Science Development Board from its appropriations for FY 1979, and an annual appropriation of Ten Million Pesos (P10,000,000.00) for each of the next six years as a first priority assessment from the science tax effective FY 1980. This capitalization shall be in addition to the capital contributions to TRC by its founding institutions as per PD 1097, and in addition to the annual budget appropriations which are provided to TRC's other regular programs and activities.

SEC. 4. Technology Delivery Fund. – A Technology Delivery Fund (the "Fund") is created as a revolving fund to finance the annual operations of the Corps, the payment of fees to government and private technology resource experts engaged by the Corps and the pre-investment and project development costs of government and private sectors and users which shall be recovered by the Corps to the extent possible from the technology users.

The Fund shall consist of the following:

- (a) Such amounts as may be earmarked by TRC from its own capital resources.
- (b) Fees, charges, and other income arising from the operations of the Corps.
- (c) Royalties received by the TRC for the use of government technology.
- (d) Recoveries from the pre-investment and project development expenses financed by the Corps.
- (e) Other external sources such as grants, donations, technical assistance by foreign or local entities in government or private sectors to improve fund sourcing possibilities.

Proceeds of the Fund arising from (b), (c), and (d) not expended in any fiscal year shall not revert to the General Fund but shall remain with the Fund to finance the activities of the Corps for the succeeding years, the relevant provisions of Presidential Decrees Nos. 711, 1177, and other decrees and issuances to the contrary notwithstanding.

SEC. 5. Government Technologies. – All government agencies and instrumentalities, including research institutions and government corporations, which are assignees of technology in connection with the manufacture of a product, the application of a process or the rendering of a service, whether such technical knowledge is reflected in an invention, industrial design, a utility model or a new plant variety or in technical information or skills, or in the service and assistance provided by experts for the design, installations, operation, or maintenance of an industrial plant or for the management of an industrial or commercial enterprises or its activities, shall report

to TRC such technology.

Such technology shall be considered government technology, and shall include, among others, (a) technology developed by persons under an employment or consultancy relationship with the government, its agencies, or its instrumentalities for the performance of research work; (b) technology developed by persons who are under no explicit obligation to exercise an inventive activity but who use the facilities of the government available to them through an employment or consultancy relationship with the government, its agencies or its instrumentalities; and (c) technology developed by government and development entities.

SEC. 6. Licensing of Government Technology. – TRC shall have the first option to act as the sole intermediary for the licensing of government technology to third parties, whether public or private, subject to such terms and conditions, including the payment of royalties where appropriate to be determined in accordance with guidelines formulated by the Management Advisory Council and approved by the TRC Board of Trustees.

Government technology which has been developed by the government, its agencies, or its instrumentalities, either by itself or in cooperation with foreign or international organizations, with the express intention of making such technology available to the general public free of charge need not be subject to such licensing agreements.

SEC. 7. TRC Relations with Other Agencies. – TRC may call upon any government research and development center, institute, university, college, technical school and similar agencies for such assistance as the Corps may need in carrying out its functions. TRC is hereby authorized to reimburse such government agencies for the use of facilities and equipment. All government research and development centers, universities, colleges, technical schools and similar agencies are hereby directed to link up with TRC as the information center for the utilization of government technology.

TRC shall prescribe guidelines to be observed by such government agencies in the transmission of technical information to, and retrieval thereof, from TRC. Technical information generated from such link up shall be made available to private technology users under terms and conditions to be determined by TRC.

SEC. 8. Government Financial Institutions. – The Development Bank of the Philippines, Philippine National Bank, Philippine Veterans Bank, Land Bank of the Philippines, and other government financial institutions shall include, as part of the loans granted to qualified technology users and when so requested, the pre-investment costs that may be incurred by technology users which have service contracts with TRC. An amount equivalent to two hundred percent of actual pre-investment costs of technology users with service contracts with TRC shall be allowed as an additional deductible expense for income tax purposes, and such deduction may be spread equally over five taxable years at the option of the technology users.

SEC. 9. TRC Management Advisory Council. – A Management Advisory Council is hereby created within TRC to provide advisory and consultation services on matters pertaining to technology applications and utilization, with special reference to the Corps and the Fund. It shall be composed of a (1) Chairman who is to be appointed by, and who shall serve at the pleasure of, the President of the Philippines; (2) the Deputy Minister of the Ministry of Human Settlements as Vice-Chairman; and (3) the Presidential Assistant for Economic and Development Affairs, (4) the Deputy Minister of the Budget, (5) the President of the University of the Philippines System, (6) the Chairman of the Development Bank of the Philippines, (7) the Chairman of the National Science Development Board, (8) the Chairman of the Technology Transfer Board, and (9) the Director-General of the National Manpower and Youth Council, as members.

The Management Advisory Council shall recommend, for approval by the TRC Board of Trustees, such guidelines as may be necessary for the effective operation of the Corps and the Fund, and shall review the relevant

rules, regulations, and procedures in the light of such guidelines. The Management Advisory Council may also direct TUST's to undertake specific activities that will promote and operationalize the objectives and purposes of this Executive Order.

SEC. 10. Separability Clause. – If any provision of this Executive Order shall be held invalid, the remainder shall not be affected thereby.

SEC. 11. Effectivity. – This Executive Order shall take effect immediately.

DONE in the City of Manila, this 23rd day of July, in the year of Our Lord, Nineteen Hundred and Seventy-Nine.

(SGD.) FERDINAND E. MARCOS

President of the Philippines

By the President:

(SGD.) JACOBO C. CLAVE

Presidential Executive Assistant

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