

REORGANIZING THE MINISTRY OF TOURISM, DEFINING ITS POWERS AND FUNCTIONS, AND FOR OTHER PURPOSES

EXECUTIVE ORDER NO. 120, 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 III 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 tourism is an international industry that has played a significant role in boosting the economies of many nations and in fostering goodwill between nations and peoples of the world;

TAKING NOTE that, in order to realize its full tourism potential in the magnitude suggested by the achievements of other countries which have been developed by private enterprises as well as by government, the Philippines needs:

A government ministry that will:

(a)

Assist in coordinating the plans and actions of various government instrumentalities on tourism matters;

(b)

Discharge the government's responsibilities arising from treaties, agreements and other commitments on tourism and travel;

(c)

Provide such other public sector services to the tourism industry as well as the formulation of standards and the compilation of statistics on tourism matters;

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 Order shall be known as the Reorganization Act of the Ministry of Tourism.

SEC. 2. Reorganization. – The Ministry of Tourism, hereinafter referred to as 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 the policy of the State to promote, encourage and develop Philippine tourism as a major national activity in which private sector investment, effort and initiative are fostered and supported, and through which socio-economic development may be accelerated, foreign exchange earned, international visitors offered the opportunity to travel to the Philippines and appreciate its natural beauty, history

and culture, and Filipinos themselves enabled to see more of their country and imbued with greater pride in and commitment to the nation.

SEC. 4. Mandate. – The Ministry shall be the primary government agency charged with the responsibility to encourage, promote and develop tourism as a major socio-economic activity to generate foreign currency and employment and to spread the benefits of tourism to a wider segment of the population with the support, assistance and cooperation of both the private and public sector, and to assure the safe, convenient, enjoyable stay and travel of the foreign and local tourists in the country.

SEC. 5. Powers and Functions. – The Ministry shall have the following powers and functions:

(a)

Advise the President on the promulgation of laws relative to the policy, plans, programs and projects designed to promote and develop the tourism industry;

(b)

Formulate policies, plans, programs and projects for the development of the tourism industry, both domestic and international;

(c)

Devise an integrated marketing program designed to attract and induce people abroad to visit the Philippines and enhance the prestige of the Filipino people and the Republic;

(d)

Promote and ensure the pleasant and hospitable entry, stay and egress of tourists;

(e)

Coordinate with any or all government agencies, civil or military, in the implementation of this Executive Order, the Ministry's rules and regulations, other Ministry's rules and regulations, other issuances, and enforcement of its order and/or decisions;

(f)

Formulate standards for tourism-oriented establishments that will prescribe minimum levels of operating quality and efficiency in order to ensure that facilities, personnel and services are maintained in accordance with acceptable local and international norms in the operations of tourism-oriented establishments;

(g)

Promulgate rules and regulations governing the operations and activities of all persons, firms, entities and establishments that cater to tourists, to provide standards for accreditation of hotels, resorts, and tourist-oriented facilities for classification purposes, and to prescribe rules and regulations governing the issuances of licenses to travel agencies;

(h)

Approve the construction standards of accredited tourism-oriented establishments including hotels, resorts, inns, motels, and other related facilities and services;

(i)

Prescribe information reporting and constructive development of the tourism industry;

(j)

Ensure a harmonious, positive and constructive development of the tourism industry;

(k)

To provide technical assistance to the Committee on Privatization and Asset Privatization Trust, or such other government agency, office or institution as are charged with the duty and/or responsibility of selling government-owned or controlled hotels, resorts and other tourist-oriented facilities;

(l)

Promote the Philippines as a locale for foreign film or movie production or any other form of entertainment that will serve to enhance the image of the Philippines as a tourist destination internationally;

(m)

Represent the government in all such conferences and meetings concerning tourism and travel and discharge such responsibilities of the government as may arise from treaties, agreements and other commitments on tourism and travel to which it is signatory;

(n)

Prescribe programs to encourage private-sector investment and participation in tourism activities and projects;

(o)

Compile and integrate statistical data bank on the tourism industry;

(p)

Promote the protection, maintenance and preservation of historical, cultural and natural assets with tourist attractions with the appropriate government agencies or with the private sector or with the owners of said assets or attractions;

(q)

Undertake research studies and surveys for the continuing economic conditions and trends relating to tourism and travel;

(r)

Set up and organize foreign field offices for the purpose of overseeing all marketing and promotional activities and implementing programs of the Ministry;

(s)

In order to project properly and enhance the Filipino image in the entertainment field and thereby gain better international respect and reputation for the country, assist the appropriate government agency in auditioning Filipino entertainers being sent abroad;

(t)

Evaluate incentives to tourist-oriented facilities, and submit its appropriate recommendations to the President;

(u)

Delegate in writing any specific powers and functions in favor other regional offices;

(v)

Upon petition of the Minister of Tourism, the police district superintendent or station commander concerned shall deputize the personnel of the Tourist Assistance Unit of the Ministry for the purpose of enabling them to assist in the enforcement of all laws and regulations for the protection of tourists and other transients;

(w)

Exercise such powers and functions and other activities that may be necessary, proper, or incidental to the attainment of its mandate;

(x)

Arrange, whenever deemed appropriate, for the reclamation of any land adjacent to or adjoining a tourist zone in coordination with appropriate government agencies;

(y)

Coordinate with appropriate government agencies the development of infrastructure requirements supporting a tourist zone, such as but not limited to, access roads to the zone, electric power brought to the proper line of the zone, airports, harbors, and other support facilities;

(z)

Coordinate with concerned government agencies the provision of social infrastructure requirements supporting a tourist zone as educational facilities, health centers, social and recreational outlets and other necessary amenities for the social upliftment of the populace and preservation of ecological balance.

SEC. 6. Ministry of Tourism. – 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 Tourism, hereinafter referred to as Minister, who shall have supervision and control of the Ministry and shall be appointed by the President.

SEC. 7. Office of the Minister. – The Office of the Minister shall consist of the Minister and his immediate staff.

SEC. 8. Deputy Ministers. – The Minister shall be assisted by four (4) Deputy Ministers appointed by the President upon the recommendation of the Minister, namely:

(a)

Deputy Minister for Planning, Product Development and Coordination who shall be responsible for the Office of Tourism Development Planning, Office of Product Development, and Office of Tourism Coordination;

(b)

Deputy Minister for Tourism Services and Regional Offices, who shall be responsible for the Office of Tourism Standards and all Regional Offices;

(c)

Deputy Minister for Tourism Promotions, who shall be responsible for the Bureau of International Tourism Promotion, Bureau of Domestic Tourism Promotions, and Office of Tourism Information;

(d)

Deputy Minister for Internal Services, who shall be responsible for the Financial and Management Service, Administrative Service, and Legal Service.

SEC. 9. Ministry Proper. – The Ministry Proper shall consist of the Offices of the Minister and Deputy Ministers and shall be responsible for the preparation and development of the policies, plans, programs, and projects of the Ministry in the context of its mandate, powers and functions.

SEC. 10. Structural Organization. – The Ministry, aside from the Ministry Proper, shall consist of its Services, Bureaus, Offices, Regional Offices and Foreign Field Offices.

SEC. 11. Financial and Management Service. – The Financial and Management Service is hereby created and shall provide the Ministry with staff advice and assistance on budgetary, financial, and management matters and shall perform such other related functions as may be assigned or delegated to it by the Minister.

SEC. 12. Administrative Service. – The Administrative Office is hereby created and shall provide the Ministry with staff advice and assistance on personnel information, record, communications, supplies, equipment, collection, disbursements, security, other custodial work and such other related duties and responsibilities as may be assigned or delegated to it by the Minister.

SEC. 13. Legal Service. – The Legal Service is hereby created and shall provide the Ministry with staff advice and assistance on all legal matters affecting the Ministry, and to perform such other related functions as may be assigned or delegated to it by the Minister.

SEC. 14. Service Character and Head. – The services under Sections 11 to 13 hereof shall be essentially staff in character, each of which shall be headed by a Service Chief.

SEC. 15. Bureau of Domestic Tourism Promotions and Information. – The Bureau of Domestic Tourism Promotions and Information is hereby created and shall have the following functions;

(a)

Organize and coordinate programs of public relations, promotions, and publicity; encourage domestic tourism and encourage overseas visitors to travel throughout the Philippines;

(b)

Design and provide support for dissemination of materials for publicity as tourist attractions in the Philippines; promote educational and cultural tours to increase travel within the country;

(c)

Promote, organize, and provide support for tourist councils;

(d)

Plan promotional campaigns through advertising and publicity and coordinate promotional efforts with the private sector through sales campaigns and information dissemination;

(e)

Organize special events for the promotion of local destinations.

SEC. 16. Bureau of International Tourism Promotions. – The Bureau of International Tourism Promotions is

hereby created and shall have the following functions:

(a)

Promote the Philippines as a locale for foreign film or movie production or any other form of entertainment that will serve to enhance the image of the Philippines as a tourist destination internationally;

(b)

Provide support for the private sector in its promotional campaigns;

(c)

Organize special events to promote the country as a tourist destination;

(d)

Gather market intelligence and research information on tourist markets through the Foreign Field Offices;

(e)

Disseminate current information on the country and its tourist products;

(f)

Generate favorable publicity on the Philippines;

(g)

Monitor trends and developments in international tourism through the Foreign Field Offices;

(h)

Organize, set up and participate in international meetings, conferences and conventions on tourism;

(i)

Supervise foreign field offices charged with coordinating and assisting in the marketing and promotional activities and programs of the Ministry.

SEC. 17. Bureau Character and Head. – The Bureaus under sections 15 and 16 hereof shall be essentially staff in character each of which shall be headed by a Staff Director.

SEC. 18. Office of Tourism Information. – The Office of Tourism Information is hereby created and shall have the following functions:

(a)

Promote a continuing wholesome and informative relationship between the Ministry and the traveling public;

(b)

Cause the widest publicity of existing and forthcoming activities and programs of the Ministry through a functional relationship with the media;

(c)

Organize and disseminate promotional and tourist information materials to various tourist assistance centers.

SEC. 19. Office of Tourism Standards. – The Office of Tourism Standards is hereby created and shall have the following functions:

(a)

Approve the construction standards of tourism-oriented establishments including hotels, resorts, inns, motels, and other related facilities and services, prescribe information reporting on purchase, sale or lease of accredited tourism-oriented facilities and ensure a harmonious, positive and constructive development of the tourism industry;

(b)

Formulate operating standards for tourism-oriented establishments including hotels and resorts, restaurants, inns, motels, and other related facilities and services that will prescribe minimum levels of operating quality and efficiency in order to ensure that facilities, personnel and services are maintained in accordance with acceptable local and international norms in the operations of tourism-oriented establishments;

(c)

Regulate and issue licenses to qualified travel agencies in accordance with the rules and regulations promulgated by the Minister;

(d)

Encourage formation of industry associations for accreditations by the Ministry;

(e)

Assist in auditioning Filipino entertainers in order to project properly and enhance the Filipino image in the entertainment field and thereby gain better international respect and reputations;

(f)

Coordinate with all agencies concerned on the enforcement of rules and regulations promulgated by the Ministry.

SEC. 20. Office of Tourism Development Planning. – The Office of Tourism Development Planning is hereby created and shall have the following functions:

(a)

Formulate plans and policies for the development of the tourism industry, including but not limited to national tourism plans and the identification of master physical plans for tourist zones within the country;

(b)

Monitor and evaluate plans, programs and projects of the Ministry to ensure their effective implementation;

(c)

Conduct research studies and surveys for the continuing analysis of the tourism industry;

(d)

Compile and integrate statistical data on the tourism industry and publish the same;

(e)

Coordinate and assist in the implementation of tourism-related projects, plans, or operations of local governments, governmental agencies, public corporations, and where clearly necessary and feasible, those of private entities so as to make possible the accelerated and balanced growth and development of tourism in the Philippines which is responsible to the needs of targetted travel markets, domestic and foreign, and beneficial to a greater number of Filipino communities;

(f)

Analyze specific geographic areas with potential tourism value leading to the preparation of a national tourism development plan which will establish the order of priority for the development plan of tourist zones;

(g)

Formulate a government plan for each zone in coordination with other government agencies and local government(s) exercising political jurisdiction over the area, provided, that the plan of the zone to be developed shall cover specifically those aspects pertaining to tourism; provided further, that the tourism development plan is fully coordinated and integrated with other sectoral plans for the area;

(h)

Zone Administration and Control:

Coordinate with the appropriate local governments and other government agencies, to assist in formulating and implementing zones regulations, including building codes, hotels, standards and such other restrictions as may be necessary within a tourist zone to control its orderly development; preserve such historical, cultural and/or natural assets or relics giving the zone its tourism value and significance; and assure adherence to approved zone development plans;

Ensure through proper coordination with appropriate government agencies and local private agencies the social growth of the community within a tourist zone as well; carefully control possible negative social impact brought about by tourism development.

SEC. 21. Office of Product Development. – The Office of Product Development is hereby created and shall have the following functions:

(a)

Develop and conceptualize new products which can lead to the enhancement of tourist sites and facilities;

(b)

Undertake pilot tests for testing the viability and acceptability of new tourism-related products and programs;

(c)

Encourage and promote joint undertakings with the private sector of new tourism-related products and programs.

SEC. 22. Office of Tourism Coordination. – The Office of Tourism Coordination is hereby created and shall have the following functions:

(a)

Initiate and coordinate with all sectors, both government and private, the development of the national tourism plans and policies;

(b)

Coordinate priority activities and projects of the Ministry, and other government agencies, and the private sector;

(c)

Enlist the assistance and support of any or all of the government agencies in the implementation of the policies of the Ministry;

(d)

Provide support to all tourism-related activities of the private sector needing government assistance.

SEC. 23. Offices Character and Head. – The Office under Sections 18 to 22 hereof shall be essentially staff in character, each of which shall be headed by a Staff Director.

SEC. 24. Regional Office. – The Ministry is hereby authorized to establish, operate and maintain a Regional Office in each of the administrative regions of the country, under the immediate supervision of the Deputy Minister for Tourism Services and Regional Offices. A Regional Office shall be headed by a Regional Director and shall, within its administrative region, have the following functions:

(a)

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

(b)

Provide economical, efficient and effective service to the people;

(c)

Coordinate with regional offices of other ministries, bureaus and agencies;

(d)

Coordinate with local government units;

(e)

Perform such other functions as may be provided by law.

SEC. 25. Foreign Field Offices. – Subject to the approval of the President of the Ministry shall have foreign offices as may be necessary in the marketing and promotion of the Philippines as an international tourist destination, which shall oversee and implement the Ministry's marketing and promotional programs.

SEC. 26. Abolished/Transferred Agencies. – Compliance with the following is hereby prescribed:

(a)

The Bureau of Tourism Services is hereby abolished and its functions are transferred to the Office of Tourism Standards and Regional Offices in accordance with Section 28 (a) and (b) hereof;

(b)

The Bureau of Tourism Promotions is hereby abolished and its functions are transferred, as may be appropriate, to the Bureau of Domestic Tourism Promotions and Bureau of International Tourism Promotions in accordance with Section 28 (a) and (b) hereof:

(c)

The Civil Aeronautics Board by the nature of its responsibilities is hereby transferred to the Ministry of Transportation and Communications in accordance with Section 28 (a) and (b) hereof.

(d)

The Intramuros Administration and the National Parks Development Committee (E.O. No. 30, 1963) are hereby transferred to the Ministry in accordance with Section 28 (a) and (b) hereof.

SEC. 27. Attached Agencies. – The Philippine Tourism Authority and the Philippine Convention Bureau shall thereby be attached in the Ministry. Due to their operation and control over tourist parks and attractions, the Intramuros Administration, and the National Parks Development Committee are hereby attached to the Ministry.

SEC. 28. Transitory Provisions. –

(a)

The transfer of functions under Section 26 (a) and (b) hereof shall include such appropriations, funds, records, equipment, facilities, other assets and personnel as may be necessary to the proper discharge of such functions. The remaining appropriations and funds shall revert to the General Fund and the remaining appropriations and funds shall revert to the General Fund and the remaining records, equipment, facilities and other assets shall be located to such appropriate units as the Minister shall determine or shall otherwise be disposed, in accordance with Auditing Code and other pertinent laws, rules and regulations. The liabilities, if any, which may have been incurred in the performance of the same functions or for other purposes shall likewise be treated in accordance with the Auditing Code and other pertinent laws, rules and regulations. The herein provisions shall likewise apply in the transfer of agencies under Section 26 (c) and (d) hereof.

(b)

Incumbents of the abolished bureaus under Section 25 (a) and (b) hereof and the transferred agencies under (c) and (d) of the same Section shall in a hold over capacity, continue to perform their respective duties and responsibilities 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. Incumbents, whose position structure and staffing pattern approved and prescribed by the Minister under Section 29 hereof or who are not reappointed, shall be entitled to the benefits provided in the second paragraph of the same Section 29.

(c)

To apply to and closely coordinate with the Fiscal Incentive Review Board to evaluate and recommend appropriate incentives which are competitive with those offered by other countries particularly within the region.

(d)

After a period of two (2) years from the approval of this Executive Order, the mandate, powers, functions and position structure and staffing pattern of the Ministry shall be reviewed by the President to determine the appropriate change which may include continuance of the Ministry or integrating the mandate, powers of functions of the Ministry into a corporate set-up. Any subsequent reorganization shall be approved by the President through an appropriate Executive Order.

SEC. 29. New Structure and Pattern. – The officers (the term “officer” as used in this Executive Order is intended to be within the meaning of the term “official” as used in the Freedom Constitution) and employees of the Ministry shall, in a hold over capacity, continue to perform their respective duties and responsibilities 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 Articles III of the Freedom Constitution.

The new position structure and staffing pattern of the Ministry shall be approved and prescribed by the Minister 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 reappointed shall be deemed separated from the service. Those 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 nearest fraction thereof favorable to them on the basis of the 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. 30. Prohibition Against Changes. – No change in the reorganization herein provided 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. 31. Implementing Authority of Minister. – The Minister shall issue such rules, regulation and other issuances as may be necessary to ensure the effective implementation of the provisions of this Executive Order.

SEC. 32. Notice or Consent Requirement. – If any reorganizational change herein authorized is of such substance or materiality as to prejudice third persons with rights reorganized by law or contract such that notice to or consent or 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. 33. Funding. – Funds needed to carry out the provisions of this Executive Order shall be taken from funds available in the Ministry.

SEC. 34. Change of Nomenclature. – In the event of the adoption of a new Constitution which provides for a presidential form of government, the Ministry shall be called Department of Tourism and the titles of Minister, Deputy Minister, and Assistant Minister shall be changed to Secretary, Undersecretary and Assistant Secretary, respectively.

SEC. 35. 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 or provisions can still subsist and be given effect in their entirety.

SEC. 36. Repealing Clause. – All laws, ordinance, rules, regulations, other issuances or parts thereof, which are inconsistent with this Executive Order, are hereby repealed or modified accordingly.

SEC. 37. Effectivity. – 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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