

EXECUTIVE ORDER NO. 481

DEVOLVING TO THE AUTONOMOUS REGIONAL GOVERNMENT OF
THE AUTONOMOUS REGION FOR MUSLIM MINDANAO
CERTAIN POWERS AND FUNCTIONS OF THE DEPARTMENT OF
TRADE AND INDUSTRY AND THE CONTROL AND SUPERVISION
OVER ITS OFFICES WITHIN THE REGION

WHEREAS, Executive Order No. 133, series of 1987 mandates the Department of Trade and Industry as the primary, coordinative, facilitative and regulatory arm of the government for the country's trade and industry activities;

WHEREAS, Republic Act No. 6734, otherwise known as an Organic Act for the Autonomous Region in Muslim Mindanao provides that the Autonomous Regional Government recognizes the private sector as the prime mover of trade, commerce and industry;

WHEREAS, the Oversight Committee created under Republic Act No. 6734 recommends that the control and supervision of the offices of the Department of Trade and Industry be placed under the Autonomous Regional Government;

NOW, THEREFORE, I, CORAZON C. AQUINO, President of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. Transfer of Powers and Functions. The powers and functions of the Department of Trade and Industry under Executive Order No. 133, series of 1987 and as enumerated hereunder are hereby transferred to the Autonomous Regional Government (ARG):

- a. Plan, implement and coordinate activities of the government related to trade, industry and investments within the Autonomous Region in Muslim Mindanao;
- b. Promote, initiate or conduct the annual trade and industry development conference between the government and the private sector which would be held at the beginning of the third quarter of the budget year or as programmed by the Autonomous Regional Government;
- c. Build up and maintain the trade and industry data base of the Regional Department's information system through a continuing and well coordinated program of data search and information processing; **Provided, however,** That for purposes of the national data base and official statistics, the Autonomous Regional Government shall continue gathering data based on

- the National Government's trade and industry data base classification system;
- d. Develop and maintain an integrated computerized marketing information system for trade, industry and investments with a domestic scope; Provided, That there shall be a tie-up with the Department of Trade and Industry for international market information;
 - e. Encourage and support the formation of People's Economic Councils within the Autonomous Region as well as other trade, industry and consumer protection institutions and associations;
 - f. Formulate and implement programs to strengthen industries adversely affected by the economic crisis, particularly those that have a good probability of attaining financial viability;
 - g. Formulate plans and programs that shall encourage projects which affect dispersal of industries to the rural areas, promote manufactured goods for export, and develop small and medium scale industries;
 - h. Upgrade and develop the manufacture of local capital goods and precision machinery components;
 - i. Coordinate efforts in formulating long-term industry sectoral plans with the private sector;
 - j. Promote domestic trade, marketing and distributions to ensure the rational, economical and steady flow of commodities from producing and/or marketing centers to areas in short supply;
 - k. After due notice and hearing, establish orderly marketing arrangements for locally produced and imported manufactured goods, and for raw materials used by manufacturing and construction done within the Autonomous Region;
 - l. Prepare, for consideration of the Monetary Board, proposed programs in the commercial banking sector for directing commercial lending facilities towards priority areas of commercial and development, as well as coordinate government direct funding and financial guarantee programs to achieve trade and industry growth;
 - m. Create, in cooperation and coordination with the Regional Department of Labor and Employment, a center which shall provide assistance to the public relative to industrial relations; and

- n. Issue subpoena and subpoena duces tecum to compel attendance of witnesses and the production of necessary information, papers and documents which it may deem necessary in the exercise of its powers and functions.

Furthermore, the powers and functions of the Department of Trade and Industry Regional Offices and as enumerated hereunder shall be transferred to the Autonomous Regional Government, to wit:

- a. Implement rules and regulations, and the laws, policies, plans, programs and projects of the Regional Department;
- b. Provide efficient and effective service to the people; and
- c. Coordinate with other local government units, the regional offices of other departments and their offices and agencies.

Sec. 2. Powers and Functions Transferred with Conditions. The following powers and functions of the Department of Trade and Industry and as enumerated hereunder shall be transferred to the Autonomous Regional Government subject to certain conditions:

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- a. Formulate the appropriate mechanics to guide and manage the transfer of appropriate industrial technology within the region subject to national guidelines established by the Department of Trade and Industry;
 - b. Promote, develop, regulate and accredit repair and service enterprises in accordance with existing laws; and
 - c. Administratively adjudicate and impose reasonable fines and penalties for violation of existing trade and industry laws, subject to the rules and regulations established by the Department of Trade and Industry including among others, the schedule of fines and penalties for each violation.

Sec. 3. Functions Retained. Functions and powers with national implications and others which are not expressly provided for in this Executive Order shall be retained by the Department of Trade and Industry.

Sec. 4. Programs and Projects. The locally funded programs and projects being implemented by the Department of Trade and Industry within the Autonomous Region shall be transferred to the Autonomous Regional Government.

The foreign funded program being implemented by the Department of Trade and Industry and funded by the Asian Development Bank within the Autonomous Region can be the subject of a Memorandum of Agreement

between the National DTI and the Regional DTI so that its transfer to the Autonomous Regional Government can be effected.

Sec. 5. Technical Assistance. The Department of Trade and Industry shall assist the Autonomous Regional Government in facilitating the performance of the latter's economic development mandate. The following DTI national bureaus may be tapped to provide support and technical assistance to the Autonomous Regional Government:

- a. Bureau of Export Trade Promotion (BETP);
- b. Bureau of International Trade Relations (BITR);
- c. Center for Labor Relations Assistance (CLARA);
- d. Bureau of Import Services (BIS);
- e. Trade and Industry Information Center (TIIC);
- f. Bureau of Trade Regulation and Consumer Protection (BTRCP);
- g. Bureau of Small and Medium Business Development (BSMBD);
- h. Bureau of Patents, Trademarks and Technology Transfer (BPTTT);
- i. Foreign Trade Service Corps (FTSC);
- j. Bureau of Domestic Trade Promotion (BDTP); and
- k. Bureau of Product Standards (BPS).

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However, in view of its national implications, the powers and functions of the Bureau of Export Trade Promotion (BETP) and the Bureau of International Trade Relations (BITR) shall be retained by the Department of Trade and Industry without prejudice to whatever bureau or office the Autonomous Regional Government shall create to coordinate with these Bureaus. The Department of Trade and Industry may create a special action team/group to ensure that the coordination on areas not allowed by law to be devolved be coordinated to the fullest extent possible.

The Autonomous Regional Government may establish the appropriate organizational unit that will allow it to implement the functions devolved by the Department of Trade and Industry.

Sec. 6. Personnel. (1) All plantilla positions, filled or unfilled, assigned to the affected provincial DTI offices shall be transferred to the Autonomous Regional Government.

(2) All personnel holding these plantilla positions who are absorbed by the Autonomous Regional Government shall retain their seniority rights, compensation and other benefits.

(3) For those DTI personnel who refuse to transfer or be absorbed by the Autonomous Regional Government, the following options are open to them per Civil Service Commission Memorandum dated 01 October 1990:

- a) Retirement, if eligible;

- b) Remain with the line department in another region or office subject to availability of vacant positions;
- c) Transfer to another government agency; and
- d) Voluntary resignation.

Sec. 7. **Assets and Equipment.** All assets and equipment already existing and being utilized by the Department in the Autonomous Region shall be turned over to the Autonomous Regional Government, **Provided,** That corporate assets and equipment of the defunct National Cottage Industries Development Authority shall be excluded from the transfer.

Sec. 8. **Budget.** The budgetary allocation or the balance thereof for the four provinces within the Autonomous Region for CY 1991 as of the date of transfer shall be turned over to the Autonomous Regional Government.

Sec. 9. **Date of Transfer.** The Department of Trade and Industry shall effect full transfer of all its functions, assets and equipment after thirty (30) days following the effectivity of this Executive Order.

Sec. 10. **Separability Clause.** If, for any reason, any part or provision of this Executive Order shall be held unconstitutional or invalid, any part or provision hereof which are not affected thereby shall continue to be in full force and effect.

Sec. 11. **Effectivity.** This Executive Order shall take effect fifteen (15) days following its publication in a national newspaper of general circulation and one (1) local newspaper of general circulation in the ARMM.

DONE, in the City of Manila, this 24th day of September, in the year of Our Lord, nineteen hundred and ninety one.



By the President:



FRANKLIN M. DRILON
Executive Secretary