



MALACAÑAN PALACE
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

EXECUTIVE ORDER NO. 42

REPEALING EXECUTIVE ORDER (EO) NO. 340 (S. 2004) AND DEFINING THE POWERS, FUNCTIONS AND DUTIES OF THE BOARD OF DIRECTORS OF THE SUBIC BAY METROPOLITAN AUTHORITY (SBMA) AND THE SBMA ADMINISTRATOR

WHEREAS, Republic Act (RA) No. 7227, otherwise known as the "Bases Conversion and Development Act of 1992," created the SBMA to operate, administer, manage and develop the Subic Special Economic Zone into a self-sustaining, industrial, commercial, financial and investment center, to generate employment opportunities in and around the zone, and to attract and promote productive foreign investments;

WHEREAS, Section 13(d) of RA No. 7227 provides that the President shall appoint a professional manager as Administrator of the SBMA who shall be the *ex officio* Chairman of the SBMA Board of Directors (SBMA Board) and who shall serve as the Chief Executive Officer (CEO) of the SBMA;

WHEREAS, EO No. 340 (s. 2004) reorganized the SBMA by separating the position of Chairman of the SBMA Board, who shall similarly be appointed by the President, from the position of the Administrator of the SBMA, who shall serve as *ex officio* Vice-Chairman of the SBMA Board;

WHEREAS, EO No. 340 designated the Chairman of the SBMA Board as the head of the agency, but vested in the Administrator the power to execute, administer and implement the policies and measures approved by the SBMA Board, and to directly administer and supervise the operations and day-to-day business activities of the SBMA;

WHEREAS, EO No. 340 has created confusion with regard to the scope of authority, powers, functions and duties of the Chairman of the SBMA Board and the Administrator of the SBMA that has adversely affected the operations of the SBMA, as well as of the numerous investors and locators therein;

WHEREAS, Article VII, Section 17 of the Constitution provides that the President shall have control of all the executive departments, bureaus and offices, and shall ensure that the laws are faithfully executed.

THE PRESIDENT OF THE PHILIPPINES

NOW THEREFORE, I, RODRIGO ROA DUTERTE, President of the Republic of the Philippines, by virtue of the powers vested in me by the Constitution and existing law, do hereby order:

SECTION 1. Repeal. EO No. 340 (s. 2004) is hereby expressly repealed.

SECTION 2. Powers of the SBMA Board. The powers of the SBMA, as defined under RA No. 7227, shall be exercised by the SBMA Board of Directors.

SECTION 3. SBMA Administrator and Chairman of the SBMA Board. The President shall appoint the Administrator of the SBMA, who shall be the *ex officio* Chairman of the SBMA Board.

SECTION 4. Powers and Duties of the SBMA Administrator. The Administrator, who shall be the Chief Executive Officer of the SBMA, shall have the following powers, functions and duties:

- a. To execute, administer and implement the policies and measures approved and adopted by the SBMA Board;
- b. To directly administer and supervise the operations and day-to-day business activities of the SBMA;
- c. To exercise the powers of control and supervision over decisions and actions of subordinate officers;
- d. To appoint, transfer, remove, suspend or otherwise discipline any employee of the SBMA in accordance with law;
- e. To represent the SBMA in all dealings with offices, agencies and instrumentalities of the Government and with all persons and entities, public or private, domestic or foreign, unless otherwise directed by the President or by the SBMA Board;
- f. To sign all permits, certificates, authorizations, and other official documents issued by the SBMA in the exercise of its governmental, regulatory, proprietary, and commercial powers;
- g. To execute, on behalf of the SBMA, all contracts, agreements and other instruments affecting the interests of the SBMA or where the SBMA is a contracting party, duly approved by the SBMA Board;
- h. To direct and supervise the preparation of the agenda for the meetings of the SBMA Board;
- i. To preside at the meetings of the SBMA Board; and
- j. To perform such other functions and duties as the President may direct, or as may be assigned to him/her by the SBMA Board.

SECTION 5. Separability. If any provision of this Order is held invalid or unconstitutional, the other provisions not otherwise affected shall remain in full force and effect.

SECTION 6. Effectivity. This Order shall take effect immediately.

DONE, in the City of Manila, this 25th day September in the year of Our Lord, Two Thousand and Seventeen.

By the President:


SALVADOR C. MEDIALDEA
Executive Secretary 

 

