

EXECUTIVE ORDER NO. 459

DEVOLVING TO THE AUTONOMOUS REGIONAL GOVERNMENT OF THE AUTONOMOUS REGION IN MUSLIM MINDANAO CERTAIN POWERS AND FUNCTIONS OF THE DEPARTMENT OF EDUCATION, CULTURE AND SPORTS, THE CONTROL AND SUPERVISION OVER ITS OFFICES IN THE REGION AND FOR OTHER PURPOSES

WHEREAS, Section 1, Article XV of Republic Act No. 6734 provides "That the Autonomous Region shall establish, maintain and support a complete and integrated system of quality education and adopt an educational framework that is meaningful, relevant and responsive to the needs, ideals and aspirations of the people in the Region ";

WHEREAS, the Oversight Committee created under the said Act, recognizing the primacy of education as a necessary pillar for the Autonomous Region in Muslim Mindanao (ARMM), has recommended the evaluation of certain powers and that the offices of the Department of Education, Culture and Sports within the ARMM may be transferred to the Autonomous Regional Government to carry out this mandate;

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. Policy to be Adopted. The Autonomous Regional Government (ARG) shall be responsible for the regional educational framework within the Autonomous Region in Muslim Mindanao (ARMM) and shall adopt the policy of the National Government as embodied in Chapter I, Title VI, of the Administrative Code of 1987.

SEC. 2. General Functions. The powers and functions with regard to the formulation, planning, implementation and coordination of policies, plans, programs and projects of various aspects of education are hereby transferred to the ARG, specifically in

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the following areas:

- a. Elementary, secondary, physical and international education;
- b. Non-formal and vocational or technical education;
- c. Higher education;
- d. Development of culture;
- e. Foreign and locally-assisted projects and other activities relative to (a), (b), (c), and (d) above; and
- f. Such other functions as may be provided by law.

SEC. 3. Transfer of Control and Supervision. The offices of the Department of Education, Culture and Sports (DECS) within the ARMM including their functions, powers and responsibilities, personnel, equipment, properties, budgets and liabilities are hereby placed under the control and supervision of the ARG.

SEC. 4. Transfer of Functions and Powers of the DECS Regional Offices. The following functions and powers of DECS Regional offices are hereby transferred to the ARG:

A. General Functions and Powers

- a.1 Formulate the regional plan of education based on the national plans taking into account the specific needs and traditions of the region;
- a.2 Implement laws, rules and regulations, policies, programs and projects of the Regional Department;
- a.3 Provide economical, efficient, and effective education service to the people;
- a.4 Coordinate with regional offices of other departments, offices and agencies in the region;
- a.5 Coordinate with local government units; and
- a.6 Perform such other functions as may be provided for by law.

## B. Specific Functions and Powers

### B.1 Administrative Management

- a. Act on all matters concerning appointment, promotion & transfer; hiring of casual employees, resignation, filling-up of positions & granting of leaves of absence and other personnel transactions;
- b. Legal and administrative investigation, recommendation, decision on cases, complaints, and other related matters;
- c. Act on requests to teach, engage in business, and exercise of professions;
- d. Act on request to render overtime services;
- e. Act on request for authority for domestic/outside travel;
- f. Conferring of incentives or recognition;
- g. Acceptance of donations such as titled real properties and personal properties;
- h. Act on requests for attendance of personnel to conferences, meetings, seminars and the like;
- i. Upkeep of records and records management;
- j. Supply management;
- k. Medical and Dental services; and
- l. Delivery of general administrative services.

### B.2 Educational Supervision and School Administration

- a. Conduct school visitations and teaching supervision;
- b. Conduct educational statistical researches, experiments, studies, planning and organizations; and
- c. Preparation of data and statistical reports.

### B.3 Financial Management

- a. Budget preparation and submission;
- b. Fiscal control, accounting and auditing of expenditures;
- c. Vouchers and claims processing for payment or disbursement of funds;
- d. Claims processing and payment of retirement pay, hazard pay, allowances, extra compensation, salary differentials and the like;
- e. Implementation of salary standardization / adjustment / merit increases;
- f. Recommend position classification/readjustment/conversion;
- g. Requisition and procurement of supplies, materials, equipment and others;
- h. Negotiation of contracts for services and goods;
- i. Signing and countersigning of checks; and
- j. Preparation and submission of financial reports.

### B.4 Private School Regulations

- a. Grant authority to establish / operate new schools;
- b. Grant permits for operation of schools and summer classes;
- c. Approval of classes and teacher programs;
- d. Act/decide on problems and disputes arising from private school employment;
- e. Approval of applications of private school teachers for teaching overload;
- f. Approval of requests for temporary enrollment, late enrollment, subject load and overload of students;
- g. Administer validation placement examinations;

- h. Issue special orders for graduation of students;
- i. Approval of applications for change of name of private schools;
- j. Approval of application for change of text books and other materials;
- k. Act on tuition fee increases;
- l. Verification and authentication of student credentials/records;
- m. Decide administrative complaints arising from school decisions, rules and regulations;
- n. Grant/cancel/withdraw government recognition, or restore cancelled or revoked government recognition;
- o. Decide on appeals regarding decisions on awards of graduation honors;
- p. Decide administrative complaints of private school personnel;
- q. Investigate and initiate action on cases involving illegal operation;
- r. Approval of proposed modifications of schools curriculum; and
- s. Authentication of school records.

SEC. 5. Administrative Responsibility. The ARG shall be responsible for all outstanding obligations, liabilities and commitments under existing and continuing contracts, memoranda of agreement, undertakings, and the like, in connection with the operation of school divisions located in the Autonomous Region: Provided, That the National Government shall continue such levels of expenditure as may be necessary to assure all obligations and liabilities transferred to the ARG.

SEC. 6. Board of Higher Education. The functions and powers of the Board of Higher Education shall be retained by the National DECS: Provided, That the Regional Director of the Regional DECS when established, shall sit as a member of the Board with the right to vote on matters pertaining to the four provinces within ARMM.

SEC. 7. DECS Bureaus. The functions and powers of the following DECS Bureaus as provided for under Chapter 6, Title VI, Book IV of the Administrative Code of 1987 are hereby transferred to

the ARG.

- a. Bureau of Elementary Education;
- b. Bureau of Secondary Education;
- c. Bureau of Technical and Vocational Education;
- d. Bureau of Higher Education;
- e. Bureau of Non-Formal Education; and
- f. Bureau of Physical Education and School Sports.

SEC. 8. Locally-Funded Programs and Projects. All locally-funded projects of the DECS within the four provinces of the ARMM shall be transferred to the ARG.

SEC. 9. Foreign-funded Programs. The implementation of foreign-funded projects shall continue to be the responsibility of the DECS Central Office: Provided, That the project components situated in the provinces of the ARMM may be implemented by the ARG by way of a Memorandum of Agreement with the DECS.

SEC. 10. Regulations and Standards Governing the Educational System. (1) Rules and regulations promulgated pursuant to the Educational Act of 1982 (Batas Pambansa Blg. 232) shall be strictly adhered to and considered as minimum standards by the ARG.

(2) Formulation of regional standards should recognize national standards as minimum requirements. No regionally-defined standard should be below accepted national standards. All DECS circulars on standards will be given to the ARMM for information and consideration in drafting future regional standards. Similarly, the ARG shall furnish the DECS with all circulars issued prescribing regional educational standards.

SEC. 11. Assets, Equipment, Offices and Land. Assets and equipment including public elementary and secondary schools already existing, being utilized or programmed for use in the four (4) provinces covered by the ARMM shall be turned over the ARG: Provided, That the National Government shall continue such levels of expenditures as may be necessary to carry out the functions mandated under R.A. No. 6734.

Office buildings including the land where these edifices are built, within the provinces of ARMM

shall immediately be transferred to the ARG in compliance with R.A. No. 6734.

SEC. 12. Personnel/Position. (1) By operation of law, all plantilla positions (filled and unfilled) of the DECS effectively assigned or within the provinces of ARMM, shall immediately be placed under the control and supervision of the ARG.

(2) All personnel of the National Government shall be absorbed by the ARG and shall retain their seniority rights, compensation and other benefits.

(3) Personnel who decline to transfer to the ARG for any reason whatsoever shall have the following options as outlined by the Civil Service Commission: (a) regular retirement; (b) absorption by their line department in another office or region subject to the availability of positions and at the discretion of management; (c) transfer to another department subject to the availability of positions; or (4) voluntary resignation.

(4) The position and classification plan of the ARG shall conform to national standards classification/categories set by Republic Act No. 6758, otherwise known as the Salary Standardization Law.

(5) From the date of transfer and for a period not exceeding twelve (12) months, the DECS Payroll Servicing Division shall continue to pay the salaries of public elementary school teachers and other DECS personnel within the ARMM covered by the centralized payroll servicing scheme. The Department of Budget and Management, the DECS and the ARG shall, within the said period, formulate the necessary mechanisms for the payroll system within the ARMM.

SEC. 13. Budget. All outstanding budget balances duly appropriated for the operations of DECS in the provinces within the ARMM for FY 1991 shall be turned over to the ARG as of the date of transfer. Budget balances shall include appropriations for personal services of public secondary school teachers and other personnel not covered by the DECS-IBM Payroll servicing schedule, maintenance and other operating expenses, and capital outlay.

SEC. 14. State Colleges and Universities. Pursuant to Article XV, Sections 5 and 6 of R.A. No. 6734, all state colleges and universities in the ARMM shall assist and support the full development of the people and shall serve as regional centers for tertiary and postgraduate education in their respective areas of competence: Provided, That they shall enjoy academic freedom and fiscal autonomy and shall continue to be governed by their respective charters: Provided, further, That the DECS Regional Director shall be a member of the governing boards of state colleges and universities in the ARMM.

SEC. 15. Control and Supervision of DECS-Attached Agencies and Councils. Department-attached agencies and councils, including government corporations shall continue to be controlled and supervised by their respective line departments. The attached agencies shall extend maximum assistance to the ARG and Regional DECS in carrying out its programs and projects.

SEC. 16. Scholarship Program. Student scholarship programs shall be retained by the DECS.

SEC. 17. Free Public Secondary Education. In accordance with Republic Act No. 6655, the ARMM shall give free public secondary education to students enrolled in national high schools, general comprehensive high schools, state colleges and universities, specialized schools, trade, technical, vocational, fishery and agricultural schools, and in schools administered, maintained and funded by local government units, including city, provincial, municipal and barangay high schools, and those public schools established by law within the provinces of the ARMM.

SEC. 18. Instructional Materials. The Instructional Materials Council (IMC) shall continue to be primarily responsible for the formulation of policies and for the selection and adoption of textbooks, supplementary and reference books for use in public elementary and secondary schools as well as the approval of textbooks for private elementary and secondary schools in the ARMM: Provided, That the significance of the contribution of the different ethnic groups in the Philippines shall be emphasized.

The ARG may develop curricular materials with reference to regional history subject to the approval of the IMC.



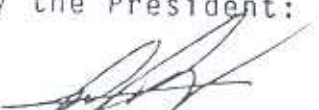
SEC. 19. Effective Date of Transfer. The effective date of transfer on which budget and assets shall be computed and/or listed shall be 1 May 1991 to allow the schools and field offices to wind up matters related to Schoolyear 1990-1991 and for the regional DECS to prepare for Schoolyear 1991-1992.

SEC. 20. Separability Clause. If, for any reason, any part or provision of this Executive Order shall be held unconstitutional or invalid, other parts or provision thereof which are not affected thereby shall continue to be in full force and effect.

SEC. 21. Effectivity. This Executive Order shall take effect fifteen (15) days after 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 17th day of May, in the year of Our Lord, nineteen hundred and ninety-one.

By the President:



OSCAR M. ORBOS

Executive Secretary

