

MALACAÑANG

Manila

~~MEP # 0110~~

BY THE PRESIDENT OF THE PHILIPPINES

EXECUTIVE ORDER NO. 513

CONVERTING THE MARCOS GOLF FOUNDATION OF THE PHILIPPINES INTO A PRIVATE FOUNDATION AND FOR OTHER PURPOSES

WHEREAS, Presidential Decree No. 1783, dated January 15, 1981, created the Marcos Golf Foundation of the Philippines as a non-municipal public corporation for the purpose, among others, "to promote golf in the country as a basis of developing sports program";

WHEREAS, since 1986, the government has undertaken a program for the reorganization of the government corporate sector, one feature of which, among others, is to convert a number of government-owned or controlled corporations into private entities;

WHEREAS, for the purpose of reorganizing the government corporate sector, the Department of Budget and Management pursuant to its mandate under Executive Orders Nos. 5 and 165, dated March 12, 1986 and May 5, 1987, respectively, has recommended that the Marcos Golf Foundation of the Philippines be converted into a private foundation;

WHEREAS, the Secretary of Justice in Opinion No. 210, series of 1988, opined that Section 22 of Proclamation No. 50, dated December 8, 1986, as amended, empowers the President of the Philippines to amend or repeal the laws creating government-owned or controlled corporations for divestment, dissolution, consolidation, merger or regularization;

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. Abolition. The Marcos Golf Foundation of the Philippines is hereby abolished.

SEC. 2. Incorporation. The Board of Trustees of the present Marcos Golf Foundation of the Philippines, by exclusive authority herein granted, shall, within thirty (30) days from the effectivity of this Executive Order, perform all acts necessary for the formation and registration of a private, non-stock, and non-profit foundation with the Securities and Exchange Commission, which shall have such appropriate and lawful objectives, powers and functions as the Board of Trustees of the present Marcos Golf Foundation of the Philippines may determine. No other public or private groups or individuals shall be authorized to form, organize or operate directly or indirectly a foundation, corporation, partnership, or association with the same name or substantially the same name, objectives, powers and functions as the present

Marcos Golf Foundation of the Philippines, or such succeeding foundation.

SEC. 3. Personnel. Upon the effectivity of this Executive Order, the officers and employees of the Marcos Golf Foundation of the Philippines shall continue to perform their corresponding duties and responsibilities in a holdover capacity and receive their corresponding salaries and other benefits, unless in the meantime they have been duly separated, laid off or retired from the service. Upon the registration of said foundation, they shall be deemed to be separated from the service and shall be entitled to such termination benefits they may be entitled to under pertinent laws, rules and regulations; Provided, however, that they shall be preferred for employment in the same or comparable positions in said private foundation.

SEC. 4. Disposition of Assets. The assets of the Marcos Golf Foundation of the Philippines, net of liabilities, shall, upon the registration of such foundation, be transferred to it without consideration and shall thereby constitute its capital fund. Should liabilities exceed assets, the same shall be paid in accordance with the provisions of the Civil Code of the Philippines on the concurrence and preference of credits.

SEC. 5. Notice or Consent Requirement. If any reorganization change authorized in this Executive Order is of such substance or materiality as to prejudice third persons with rights recognized by law or contract, such that notice to, or consent of, 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 reorganization change.

SEC. 6. Separability. Any portion or provision of this Executive Order that may be declared unconstitutional or invalid 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. 7. Repeal. Presidential Decree No. 1783, dated January 15, 1981, is hereby repealed. All other laws, rules and regulations and other issuances or part thereof, which are contrary or inconsistent herewith, are hereby repealed or modified accordingly.

SEC. 8. Effectivity. This Executive Order shall take effect upon approval.

APPROVED in the City of Manila, this 25th day of March in the year of Our Lord , nineteen hundred and ninety-two.

By the President:

