

EXECUTIVE ORDER NO. 133

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

WHEREAS, Section 11, Article III of Republic Act No. 6734 provides that "The Regional Government shall provide, maintain and ensure the delivery of basic health education and services";

WHEREAS, the Oversight Committee created by virtue of Republic Act No. 6734, recognizing the primacy and importance of health as a necessary pillar of the inhabitants of the Autonomous Region in Muslim Mindanao, has recommended the devolution of powers and functions and that the offices of the Department of Health may be transferred to the Autonomous Regional Government to carry out its mandate.

NOW, THEREFORE, I, FIDEL V. RAMOS, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. Policies and Strategies to be Adopted.
The Autonomous Regional Government (ARG) shall assume the following policies and strategies:

- a. Improved provision and utilization of accessible, appropriate and adequate basic health, nutrition and family planning services specially to the poor, underserved and high-risk groups;
- b. Strengthened and sustained effective collaboration with the private sector;
- c. Increase government resource allocation to the health, nutrition and family planning sectors and ensuring its proper and efficient utilization; and
- d. Strengthened manpower development, information and research-based decision-making and implementation process.

Sec. 2. General Powers and Functions. The following powers and functions of the Department of Health (DOH), as enumerated in Section 4 of Executive Order No. 119, series of 1987, shall be transferred to the Autonomous Regional Government (ARG) subject to specific conditions or limitations provided in this Executive Order. Specifically, they are the following:

- a. Exercise administrative control and supervision over all regional, provincial, city, municipality district and barangay health units and government-owned or controlled establishments such as hospitals, clinics and dispensaries, laboratories, blood banks, drugstores and such other facilities;
- b. Define the regional health policy and formulate and implement a regional health plan within the framework of the Government's general policies and strategies, and to present proposals to appropriate authorities on regional issues which have health implications;
- c. Provide for health programs, services, facilities and other requirements as may be needed, subject to the availability of funds and administrative rules and regulations;
- d. Propagate health information and educate the population on important health, medical and environmental matters which have health implications;
- e. Assist, coordinate or collaborate with local communities, agencies and interested groups including international organizations in activities related to health;
- f. Administer all laws, rules and regulations in the field of health, including food and drug safety laws;
- g. Collect, analyze and disseminate health statistical and other relevant information on the region's health situation, and require the reporting of such information from appropriate sources to the national health agency;
- h. Undertake health and medical research and conduct training in support of its priorities, programs and activities;

Regulate the operation of and issue licenses and permits to government and private hospitals, clinics and dispensaries, laboratories, blood banks, drugstores and such other establishments which by the nature of their functions are required to be regulated by the Department;

- j. Issue orders and regulations concerning the implementation of established health policies; and
- k. Perform such other functions as established by law or as ordered by higher authorities.

Sec. 3. Functions of Department Secretary to be Transferred. Hereunder are the authority and responsibilities of the Secretary of the Department of Health which shall be vested in the Head of the Regional Department of Health (Regional DOH):

- a. Advise the Regional Governor on the promulgation of orders, rules and regulations and other issuance related to health;
- b. Establish policies and standards for the effective, efficient and economical operations of the Regional Department in accordance with the programs of the National Government;
- c. Exercise supervision and control over all functions and activities of the Regional Department within the autonomous region;
- d. Delegate authority for the performance of any administrative or substantive function to any Undersecretary or other officials of appropriate rank at the Regional Department; and
- e. Perform such other functions as may be provided by law or appropriately assigned by the Regional Governor.

Sec. 4. Specific Functions to be Transferred. The following functions of the DOH Regional Offices as provided for in Section 18, Chapter 5, Title IX of the Administrative Code shall be immediately transferred to the Autonomous Regional Government. They are:

- a. Implement laws, rules and regulations, policies, plans, programs and projects of the Department of Health in the autonomous region;

11

- b. Provide efficient and effective health and medical services to the people;
- c. Coordinate with regional offices of other departments, offices and agencies in the region;
- d. Coordinate with local government units; and
- e. Perform such other functions as may be provided by law.

Sec. 5. Functions to be Transferred with Conditions.

Hereunder are the functions which shall be transferred to the Autonomous Regional Government, subject however, to certain conditions:

- a. Assist, coordinate or collaborate with local communities, agencies and interested groups, including international organizations in activities related to health: **Provided, however, That** the collaboration with international organizations shall be subject to the rules established on official development assistance by the Oversight Committee and approved by the President;
- b. Administer all laws, rules and regulations in the field of health, including quarantine laws and food and drug safety laws: **Provided, however, That** the national department retains control over all matters concerning quarantine and food and drug regulation;
- c. Collect, analyze and disseminate health statistical and other relevant information on the country's health situation, and require the reporting of such information from appropriate sources: **Provided, however, That** the health report database shall conform with the national department's information requirements as approved by the National Statistical Coordination Board (NSCB) for the purpose of maintaining a national database;
- d. Undertake health and medical research and conduct training in support of its priorities, programs and activities: **Provided, however, That** the research shall be subject to the standards of the appropriate unit of the DOH; and

11

- e. Regulate the operation of and issue licenses and permits to government and private hospitals, clinics and dispensaries, laboratories, blood banks, drugstores and such other establishments which by the nature of their functions are required to be regulated by the Department: **Provided, however, That** the standards shall be established and monitored by the appropriate unit of the DOH.

Sec. 6. Functions to be Retained. The national department, by order of the Secretary of Health, is authorized to require the Regional DOH through the Regional Governor to do the following:

- a. Submit statistical, operational and administrative data necessary to analyze status of health operations;
- b. Take actions to control epidemics and prevent grave danger to public health; and
- c. Reply to specific queries regarding health matters in the autonomous region.

Sec. 7. Functions to be Covered by an Appropriate Memorandum of Agreement. The following functions shall be performed by virtue of a Memorandum of Agreement executed between the Autonomous Regional Government and the National Department of Health:

- a. The services of DOH hospitals both regional and national in providing training and referral services to personnel and patients coming from the autonomous region;
- b. The provision of laboratory and testing services not available in the health units of the autonomous region;
- c. The provision of specialized technical skills that are not yet available in the health units of the autonomous region;
- d. The implementation within the autonomous region of foreign-assisted projects contracted by the national department;

17

- e. Availment of training and technical assistance through the national department; and
- f. Specific arrangement pertaining to the implementation of national health programs.

Sec. 8. Locally Funded Programs and Projects. All locally funded projects of the Department of Health (DOH) within the four (4) provinces of the Autonomous Region are to be transferred to the Autonomous Regional Government.

Sec. 9. Foreign Funded Programs. The implementation of foreign funded programs shall continue to be the responsibility of the National DOH: **Provided, however, That** the project components situated in the provinces of the autonomous region may be implemented by the Autonomous Regional Government by way of a Memorandum of Agreement with the Department of Health (DOH).

Sec. 10. Personnel/Position. (1) By operation of law, all plantilla positions, filled and unfilled, of the Department of Health effectively assigned or within the autonomous region as their official station,, shall be placed immediately under the control and supervision of the Autonomous Regional Government. Employees transferred to the Autonomous Regional Government shall form the core group in their respective areas and assist in the setting-up of the provincial and district health offices in the autonomous region.

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

(3) Line department personnel affected who decline to transfer to the Autonomous Regional Government for any reason shall have the following options as outlined by the Civil Service Commission:

Regular retirement, if eligible;

Absorption by the line department in another region or office, based on the availability of positions and at the discretion of the management;

Transfer to another department based on the availability of positions; and

Resignation

Sec. 11. Assets, Equipment and Properties. All assets, equipment and properties being utilized or programmed for use within the autonomous region shall be turned over to the Autonomous Regional Government. The transfer of properties, however, shall only be to the extent by which the Department of Health has acquired the right of occupation, right of possession, right of ownership, by virtue of title or usage, right to proclamation, all subject to whatever private and other rights that may be brought upon them by others.

Sec. 12. Budget. The total budgetary allocation for the four (4) provinces within the autonomous region shall be turned over to the Autonomous Regional Government (ARG) as soon as the transfer of personnel, assets, equipment and properties is effected.

The National Government shall continue such levels of expenditures as may be necessary to carry out the functions devolved: **Provided, however, That** the annual budgetary support shall, as soon as practicable, terminate as to the line agencies or offices devolved to the Autonomous Regional Government.

Sec. 13. Interim Phase. Prior to the complete devolution of the different functions and powers of the national department, its assets, equipment and properties, its personnel, the local and foreign-funded programs set-up within the autonomous region, there shall be an interim period wherein a transition program shall be implemented to ensure the proper establishment and development of administrative and technical capabilities of the Regional Department in the autonomous region.

During the interim period, the Autonomous Regional Government shall: (a) enhance its capability in the delivery, administration and management of health matters in the region in preparation for its inevitable role as Regional Department of Health; (b) develop its own budget allocation system; and (c) exercise its role as Regional Health Office for the Autonomous Region.

The transition program shall not exceed one (1) year, and may be less depending on the amount of time with which the Autonomous Regional Government has determined that it can establish the necessary foundation for total devolution.

/s/

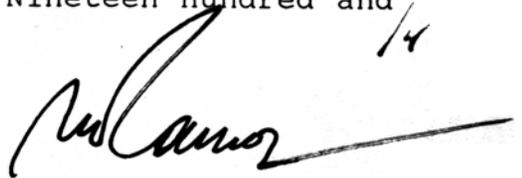
The transition program is to be undertaken by the Office of the Regional Governor with the support and assistance of the Office of the Secretary of the Department of Health.

Sec. 14. Date of Complete Transfer. The Interim Phase shall cover a maximum of one (1) year, after which, all the powers, functions and resources of the national department within the autonomous region shall be devolved to the Autonomous Regional Department.

Sec. 15. Separability Clause. If, for any reason, any part or provision of this Executive Order is declared invalid, those that are not affected thereby shall remain in full force and effect.

Sec. 16. Effectivity. This Executive Order shall take effect following its publication in a national newspaper of general circulation and one (1) newspaper of general circulation in the autonomous region.

DONE, in the City of Manila, this 29th day of October, in the year of Our Lord, Nineteen Hundred and Ninety-Three. 14



By the President:


TEOFISTO T. GUINGONA, JR.
Executive Secretary

PMS LIBRARY

Received

NOV 16 1993 *fdm*

Date


PMS LIBRARY BCODE006016