

REPUBLIC OF THE PHILIPPINES }
CONGRESS OF THE PHILIPPINES }
 Second Regular Session

S. No. 1582
H. No. 8879

REPUBLIC ACT NO. 8758

AN ACT EXTENDING THE TERM OF THE COMMITTEE ON
PRIVATIZATION AND THE ASSET PRIVATIZATION
TRUST AMENDING FOR THE PURPOSE REPUBLIC ACT
NUMBERED SEVEN THOUSAND ONE HUNDRED
EIGHTY-ONE, AS AMENDED

*Be it enacted by the Senate and House of Representatives of the
Philippines in Congress assembled:*

SECTION 1. Section 1 of Republic Act No. 7181, as amended by Republic Act No. 7661 and Republic Act No. 7886, is hereby further amended to read as follows:

"SECTION 1. The term of the Committee on Privatization and the Asset Privatization Trust created by Proclamation No. 50 'Proclaiming and Launching a Program for the Expeditious Disposition and Privatization of Certain Government Corporations and/or the Assets thereof, and Creating the Committee on Privatization and the Asset Privatization Trust' is hereby extended from January 1, 2000 to December 31, 2000.

"During the said extension period, the Committee on Privatization and the Asset Privatization Trust shall continue to exercise the powers, duties and responsibilities provided under Proclamation No. 50, as amended: *Provided, That* all disposition of any and all assets shall be primarily for cash: *Provided, however, That* the use of government financial instruments and sales by installment may be allowed: *Provided, further, That* the Committee on Privatization shall serve as the central agency of the privatization program and, accordingly, is further empowered:

"(a) To designate the disposition entity for all assets intended for privatization, including all assets and properties recovered by the Presidential Commission on Good Government (PCGG) and government idle properties; and

"(b) When necessary, to appoint a representative to the governing board of a government corporation or corporation with government transferred assets which has been identified for privatization who shall, for the purpose of facilitating privatization, have the powers and privileges of a member of such board, except the right to vote: *Provided*, That such appointee shall not receive any additional salary or emolument by reason of such appointment: *Provided, further*, That the appointee shall not be eligible for employment in any capacity whatsoever in the said corporation within two (2) years after privatization.

"Upon the effectivity of this Act, all receipts from the sale of assets of the Asset Privatization Trust shall be remitted to the National Treasury in the following proportion: sixty percent (60%) to the special account of the Agrarian Reform Fund and forty percent (40%) to the general fund: *Provided, however*, That within the ten-year period of implementation of the Comprehensive Agrarian Reform Program the total initial amount of Fifty billion pesos (P50,000,000,000) shall be satisfied and completed from all sources pursuant to the pertinent provisions of Republic Act No. 6657 and Executive Order No. 229, dated July 1987: *Provided, further*, That except for subsidiaries of the Government Service Insurance System and the Social Security System, all government-owned or -controlled corporations shall remit to the National Government at least fifty percent (50%) of the net proceeds derived from the sale of shares or assets effective October 1, 1992: *Provided, finally*, That net proceeds shall mean gross proceeds less related liabilities and selling expenses.

"Upon approval of this Act, the Commission on Audit shall undertake an examination of all the assets and liabilities remaining with the Asset Privatization Trust. The Commission on Audit shall complete the examination within one hundred eighty (180) days.

"The financial assets shall, upon the expiration of the term of the Asset Privatization Trust, be transferred for disposition by the President of the Philippines to a trust department of the appropriate government financial institution. The physical assets remaining at the end of the term of the Asset Privatization Trust shall immediately be transferred to the appropriate government agency for disposition.

"There shall be no disposition of properties during the last thirty (30) days of the term which shall be devoted exclusively to the liquidation of the Asset Privatization Trust and the Committee on Privatization and the preparation for turnover of its assets, records and properties to the appropriate government office which will handle its disposition.

"All assets held by the Asset Privatization Trust, all moneys and other properties belonging to it, and all its liabilities outstanding upon the expiration of its term shall revert to and be assumed by the National Government.

"All cash advances and unsettled obligations incurred after the effectivity of this law by the officers and employees of the Committee on Privatization and the Asset Privatization Trust, as finally determined by the proper agency or court of law, must be liquidated on or before December 31, 2000.

"(c) The decision of the Asset Privatization Trust and the Committee on Privatization on the sale and disposition of assets shall be final without need of concurrence by the owner and/or the custodian agency or corporation of the asset."

SEC. 2. Upon the expiration of the terms of the Committee on Privatization and the Asset Privatization Trust, all their powers, functions, duties and responsibilities, all properties, real or personal assets, equipment and records, as well as their obligations and liabilities, shall devolve upon the National Government.

SEC. 3. All laws, orders, decrees, proclamations, rules and regulations or parts thereof which are inconsistent with any of the provisions of this Act are hereby repealed or modified accordingly.

SEC. 4. This Act shall take effect after its publication in two (2) newspapers of general circulation.

Approved, December 28, 1999.