

EXECUTIVE ORDER NO. 116

DATE: January 30, 1987

SYNOPSIS: RENAMING THE MINISTRY OF **AGRICULTURE** AND FOOD AS MINISTRY OF **AGRICULTURE**, REORGANIZING ITS UNITS; INTEGRATING ALL OFFICES AND AGENCIES WHOSE FUNCTIONS RELATE TO **AGRICULTURE** AND FISHERY INTO THE MINISTRY AND FOR OTHER PURPOSES.

RECALLING that the reorganization of the government is mandated expressly in Article II, Section 1 (a) and Article III of the Freedom of Constitution;

HAVING IN MIND that, pursuant to Executive Order No. 5 (1986), it is directed that necessary and proper changes in the organizational and functional structures of the government, its agencies and instrumentalities, be effected in order to promote economy, efficiency, and effectiveness in the delivery of public services;

CONSIDERING that the new government has given the highest priority to agricultural development in order to achieve equitable distribution of benefits and opportunities and to enable farmers and rural populations to maximize their contribution to the economy;

BELIEVING that the Ministry of **Agriculture** and Food, the Government agency established to service the needs of farmers and other food producers has to be strengthened and its functions aligned consistent with its central role in the national economic recovery program; aisa dc

REALIZING that offices/corporations/agencies whose functions relate to **agriculture** and/or food production need to be integrated into the Ministry of **Agriculture** to ensure a unified policy direction as well as a coordinated and nationalized approach to agricultural development;

Now, THEREFORE, I, CORAZON C. AQUINO, President of the Philippines, by virtue of the powers vested in me by the sovereign will of the Filipino people and the Freedom Constitution, do hereby order:

Sec. 1. Title. - This Executive Order shall otherwise be known as the Reorganization Act of the Ministry of **Agriculture** and Food: cdtai

Sec. 2. Reorganization. - The Ministry of **Agriculture** and Food is hereby renamed as Ministry of **Agriculture**, hereinafter referred to as Ministry, and hereby reorganized, structurally and functionally, in accordance with the provisions of this Executive Order.

Sec. 3. Declaration of Policy. - It shall be the policy of the State promote the well-being of farmers (including the share tenants leaseholders, settlers, fishermen and the other rural workers) by providing an environment in which they can increase their income, improve their living conditions and maximize their contributions to the national economy. It shall be the policy to accelerate agricultural and development and enhance the production of agricultural **crops**, fisheries and livestock by optimizing the use of resources and applying advanced farming systems/modern technology with the end of the view of attaining food security for domestic use and expanding diversifying agricultural production for export. It shall also be the policy to encourage private initiative in agri-business ventures both in the production and the exportation/importation of food and other allied commodities.

Sec. 4. Mandate. - The Ministry is the government agency responsible for the promotion of agricultural development by providing the policy framework, public investments, and support services needed for domestic and export-oriented business enterprises.

In the fulfillment of this role, it shall be the primary concern of the Ministry to improve farm income and generate work opportunities for farmers/fishermen and other rural workers. It shall encourage people's participation in agricultural development through sectoral representation in agricultural policy-making bodies so that Ministry policies, plans and programs are formulated/executed to satisfy their needs.

It shall also use a bottom-up self-reliant farm systems approach that will emphasize social justice, equity, productivity and sustainability in the use of agricultural resources.

Sec. 5. Powers and Functions. - To accomplish its mandate, the Ministry shall have the following powers and functions:

(a) It shall provide integrated services to farmers/fishermen and other food producers on productions, utilization, **conservation** and disposition of agricultural and fishery resources;

(b) It shall be responsible for the planning, policy formulation, regulation, execution, monitoring and/or programs/activities relating **agriculture**/food production and supply; casia

(c) It shall promulgate and enforce all laws, rules, and regulations governing the **conservation** and proper utilization of agricultural resources;

(d) It shall establish central and regional information systems to serve the production, marketing and financing data requirements of the farmers as well as domestic and foreign investors in agri-business ventures;

(e) It shall provide comprehensive and effective extension services and training to farmers and other agricultural entrepreneurs on the production, marketing and financing aspects of agricultural enterprises;

(f) It shall conduct, coordinate and disseminate research studies on appropriate technology for the improvement/development of agricultural **crops**, fisheries and other allied commodities;

(g) It shall provide the mechanism for the participation of farmers/fishermen and entrepreneurs at all levels of policy making and plan/program formulation;

(h) It shall coordinate with and/or call upon other public and private agencies for cooperation and assistance on matters affecting Ministry plans, policies and programs.

Sec. 6. Structural Organization. - Ministry, in addition to the Ministry Proper comprising the Office of the Minister, the Offices of the Deputy and Assistant Ministers, their immediate staffs are determined by them respectively, the Planning and Monitoring Group and the Support Group, shall consist of the services, Bureaus, and Regional, Provincial, Municipal and Barangay Offices. cdtai

Sec. 7. Minister of **Agriculture**. - The authority and responsibility for the exercise of the mandate of the Ministry and for the discharge of its powers and functions shall be vested in the Minister of **Agriculture**, hereinafter referred to as Minister, who shall have supervision and control of the Ministry and shall be appointed by the President. For such purposes, the Minister shall have the following functions:

(a) Advise the President on the promulgation of rules, and regulations and other issuances relative to **agriculture** and fishery. cd i

(b) Establish policies and standards for the efficient and effective operations of the Ministry in accordance with the programs of the government;

(c) Promulgate rules, and regulations and other issuances necessary in carrying out the Ministry's mandate, objectives, policies, plans, programs, and projects;

(d) Exercise supervision and control over all functions and activities of the Ministry;

(d) Delegate authority for the performance of any administrative or substantive function to any Deputy Minister or other officers of rank at the Ministry Proper;

f) Perform other functions as may be provided by law or assigned appropriately by the President.

Sec. 8. Office of the Minister. - The Office of the Minister shall consist of the Minister and his immediate staff as determined by him.

Sec. 9. Assistance to Minister. - The Minister shall be assisted by five (5) Deputy Ministers, five (5) Assistant Ministers, the head of the National Food Authority, and the Philippine Coconut Authority who shall have the rank of Deputy Minister, and such number of Deputy and Assistant Ministers, who shall be appointed by the President upon the recommendation of the Minister.

Sec. 10. Deputy Ministers. - The Deputy Ministers shall assist the Minister in the exercise of the mandate and discharge of the powers and functions of the Ministry.

The five (5) Deputy Ministers shall be assigned the following functions:

(a) The Deputy Minister assigned to Regional Operations shall oversee the implementation of the agricultural plans, policies, programs and projects of the Ministry's regional and field offices;

(b) The Deputy Minister assigned to Staff Operations shall provide staff support services, particularly in administration and finance, production, research, training and extension;

(c) The Deputy Minister assigned to Policy and Planning shall provide policy and planning support services, particularly in policy formulation/planning, and agri-business;

(d) The Deputy Minister assigned to Attached Agencies shall exercise supervision over the attached agencies

to ensure that their operations are in conformity with the approved plans and policies of the Ministry;

(e) The Deputy Minister assigned to Special Concerns shall handle priority areas identified by the Minister for special attention.

Sec. 11. Functions of Deputy Minister. - With respect to his area of responsibility, a Deputy Minister shall have the following functions:

(a) Advise the Minister in the promulgation of Ministry orders, administrative orders and other issuance, with respect to his area of responsibility;

(b) Exercise supervision and control over the offices, services, operating units and officers (the term "officer" as used in this Executive Order is intended to be within the meaning of the term "official" as used in the Freedom Constitution) and employees under his responsibility;

(c) Promulgate rules and regulations, consistent with Ministry policies, that will efficiently and effectively govern the activities of units under his responsibility;

(d) Coordinate the functions and activities of the units under his responsibility with those of other units under the responsibility of other Deputy Ministers;

(e) Exercise delegated authority on substantive and administrative matters related to the functions and activities of units under his responsibility to the extent granted by the Minister through administrative issuances;

(f) Perform other functions as may be provided by law or assigned appropriately by the Minister.

Sec. 12. Assistant Ministers. - Each of the five (5) Assistant Ministers shall head one of the Groups mentioned in Section 13 to 17 hereof and, in connection therewith, shall have the following functions:

(a) The Assistant Minister assigned to the Production Group shall be responsible for providing service relating to planning, programming and project development of agricultural productions. This group shall consist of the Bureaus and Animal Industry, **Plant** Industry, Fisheries and Aquatic Resources, and **Soils** and Water Management;

(b) The Assistant Minister assigned to the Agri-Business shall be responsible for assisting farmers and other agri-business ventures by providing marketing assistance and investment information. This group shall consist of Marketing Assistance Services and Agri-Business Investment Information Services;

(c) The Assistant Minister assigned to the Research , Training and Extension Group shall be responsible for conducting research and training as well as providing assistance in the establishment of agricultural cooperatives. This group shall be composed of **Bureau** of Agricultural Research (BAR), Agricultural Training Institute (ATI) and **Bureau of the Agriculture** (ATI) and **Bureau** of Agricultural Cooperatives Development (BACOD);

(d) The Assistant Minister assigned to the Planning and Monitoring Group shall take charge of developing, integrating, monitoring and evaluating all plans and programs of the Ministry; shall collect, monitor, and publish agricultural statistics for the Ministry and its clientele. This group shall be composed of Planning and Monitoring Services, Computer Services and **Bureau** of Agricultural Statistics. cd

(e) The Assistant Minister assigned to the Support Group shall take charge of providing staff support services in finance, administration and management; shall handle the legal requirements of the Ministry Proper and its Bureaus. This shall be composed of Financial and Management Services and the Administrative Services.

The five (5) Assistant Ministers shall perform such other functions as may be assigned appropriately by the Minister.

Sec. 13. Production Group. - The following Bureaus shall comprise the Production Group:

(a) **Bureau** of Animal Industry: The **Bureau** of Animal Industry shall formulate long and short-range programs for the development and expansion of the livestock, poultry and dairy industries to meet the protein requirements of the growing populace; recommended the specific policies and procedures governing the flow of livestock products through the various stages of marketing, as well as the proper preservation and inspection of such products; coordinate and monitor the activities and projects relating to livestock and allied industries; prescribe standards for quality in the manufacture, importation, labelling advertising, distribution, and sale of livestock, poultry and allied industries; for its own sector, recommend plans, programs, policies, rules and regulations to the Minister and provide technical assistance in the implementation of the same;

(b) **Bureau of Plant Industry:** The **Bureau of Plant Industry** shall be responsible for the production planning of improved planting materials, protection of agricultural **crops** from pests and diseases, and development and improvement of farm equipment and other related structures to the **plant** industry; prepare a program for the selection, production and certification of improved planting materials as well as guidelines for its implementation; recommend **plant** quarantine policies, and prescribe rules and regulations for the prevention, control and eradication of pests, diseases, and injuries to **plants and plant** products; for its own sector, recommend plans, programs, policies, rules and regulations to the Minister and provide technical assistance in the implementation of the same;

(e) **Bureau of Fisheries and Aquatic Resources:** The **Bureau of Fisheries and Aquatic Resources** shall formulate plans for the proper management, accelerated development, and proper utilization of the country's fishery and aquatic resources; for this purpose, undertake studies on the economics of various phases of the fishing industry to form the bases for the formulation of policies and programs on fisheries and aquatic resources; render technical assistance and advisory services in the proper procurement, construction, and operation of the fishing vessels as well as determination and designation of fish landing points for all commercial fishing boats; for own its sector, recommend plans, programs, policies, rules and regulations, to the Minister and provide technical assistance in the implementation of the same;

(d) **Bureau of Soils and Water Management:** The **Bureau of Soils and Water Management** shall advise and render assistance on matters relative to the utilization and management of **soils** and water as vital agricultural resources; formulate measures and guidelines for effective **soil**, land, and water resource utilization, as well as **soil conservation** in croplands and other agricultural areas; undertake oil research programs; coordinate with the relevant government agencies in resettlement areas and prepare the necessary plans for the provision of technical assistance in solving of oil impounding and prevention of **soil erosion**, fertility preservation, and other related matters; engaged in rainmaking projects for agricultural areas and watersheds to solve the problem of prolonged droughts and minimize their effects on standing agricultural **crops**, for its own sector recommend plans, programs, policies, rules and regulations to the Minister and provide technical assistance in the implementation of the same.

Sec. 14. Research, Training and Extension Group. - The following shall comprise the Research, Training and Extension Group:

(a) **Bureau of Agricultural Research:** The **Bureau of Agricultural Research** shall ensure that all agricultural research is coordinated and undertaken for maximum utility to **agriculture**. It shall tap farmers, farm organizations and research institutions, especially the state colleges and universities, in the conduct of research for use of the Ministry and its clientele, particularly the farmers/fishermen and the rural workers;

(b) **Agricultural Training Institute:** The Agricultural Training Institute shall be responsible or the training of all agricultural extension workers and their clientele, who are mostly farmers and other agricultural workers; ensure that training programs address the real needs of the agricultural sector; ensure that the research results are then communicated to the farmers through the appropriate training and extension activities;

(c) **Bureau of Agricultural Cooperatives Development:** The **Bureau of Agricultural Cooperatives Development** shall formulate an integrated system for development and evaluation of agricultural cooperatives; provide and assistance in the establishment of agricultural cooperatives in the rural communities; evolve a program to promote the economic viability of agricultural cooperatives.

Sec. 15. Agri-Business Group. - The following Services shall comprise the Agri-Business Group.

(a) **Marketing Assistance Services:** The Marketing Assistance Service shall be responsible for identifying markets for the Philippine Agricultural products; assist in the planning of market centers, marketing channels and distribution networks;

(b) **Agri-Business Investment Information Services:** The Agri-Business Investment Information Service shall cause the research, gather and collate data related to agri-business such as laws and regulations, taxation, production technologies, market strategies, competition, foreign assistance, grants, credit, and new venture considerations relating to agribusiness; package information on agribusiness investment opportunities and provide sample feasibility studies for different agricultural products and markets.

Sec. 16. Planning and Monitoring Group. - The following Services shall comprise the Planning Monitoring Group.

(a) **Planning and Monitoring Services:** The Planning and Monitoring Service shall be responsible for the formulation and integration of plans and programs emanating from all units of the Ministry, including the Bureaus, Regional Offices and Attached Agencies; be responsible for data analysis and monitoring of the implementation of said plans and programs through its management information system;

(b) Computer Services: The Computer Service shall be responsible for the development and maintenance of the electronic data processing requirements of the Ministry;

(c) **Bureau** of Agricultural Statistics: The **Bureau** of Agricultural Statistics shall be mainly responsible for the collection, compilation and official release of agricultural statistics; exercise technical supervision over data collection centers; coordinate all agricultural statistics and economic research activities of all bureaus, corporations and offices under the Ministry.

Sec. 17. Support Group. - The following shall comprise the Support Group:

(a) Financial and Management Service: The Financial and Management Service shall provide service relating to budgeting, accounting and management;

(b) Administrative Service: The Administrative Service shall be responsible for providing **personnel**, legal, records, and other general services.

Sec. 18. Regional Offices. - The Ministry is hereby authorized to establish, operate and maintain a Regional Office in each of the administrative regions of the country. Each Regional Office shall be headed by a Regional Director, to be assisted by three (3) Assistant Regional Directors, assigned to Operations, Research and Support Services, respectively. Each Regional Office shall have, within its administrative regions, the following **duties** and responsibilities:

(a) Provide efficient and effective frontline service to the people.

(b) Implement in its area the laws and policies, plans, programs, projects, rules and regulations of the Ministry;

(c) Coordinate with regional offices of the other ministries, offices and agencies in the region; cdasia

(d) Coordinate with local governments units;

(e) Perform other functions as may be provided by law assigned appropriately by the Minister.

At the provincial level, policies, plans, programs, projects, laws, rules and regulations of the Ministry shall be implemented by the Provincial **Agriculture** and Fisheries Officer and, at the municipal and barangay levels, by the Municipal **Agriculture** and Fisheries Officer.

Sec. 19. Attached Units. - The following units are hereby attached to the Ministry:

(a) Councils/Committee:

(1) Agricultural Credit Policy Council: The Presidential Committee on Agricultural Credit and Technical Board for **Agriculture** Credit are hereby merged into the Agricultural Credit Policy Council in accordance with Section 22 (e) hereof;

(2) National Agricultural and Fishery Council: The National Agricultural and Fishery Council shall act as an advisory body to ensure the success of Ministry ensure the success of Ministry programs and the activities and serve as the forum for consultative and continuing discussions within agricultural sectors; from the national level, it shall be replicated down to the regional, provincial, and municipal levels;

(3) Philippine Technical and Administrative Committee for SEAFDEC (formerly, SEAFDEC National Board): The Philippine Technical and Administrative Committee for SEAFDEC shall be responsible for the administration and management of the SEAFDEC Aquaculture Department and shall monitor and assess the performance of research projects on fisheries and aquaculture in accordance with the policies/standards established by the SEAFDEC International Council and the Ministry;

(4) National Nutrition Council (NNC): The National Nutrition Council shall formulate, oversee and/or coordinate the implementation of an integrated national program on nutrition to be implemented by the both government and private sectors and coordinate release of funds for the national nutrition program;

(5) Livestock Development Council (LDC): The Livestock Development Council shall be responsible for the formulation and establishment of comprehensive policy guidelines for the livestock industry, preparation of plans and programs and evaluation of livestock program/projects;

(b) Corporations/Agencies:

(1) **Fertilizer** and Pesticide Authority;

- (2) Fiber Industry Development Authority;
- (3) National Tobacco Administration;
- (4) Sugar Regulatory Administration;
- (5) National Food Authority and its subsidiaries;
- (6) Quedan Guarantee Fund Board;
- (7) Philippine Fisheries Development Authority;
- (8) Philippine Rice Research Institute;
- (9) Philippine Coconut Authority and its subsidiaries.

Sec. 20. Mergers. - In order to promote efficiency and effectiveness in the delivery of public services, the following offices, corporations or agencies are hereby merged as follows:

(a) The Philippine Virginia Tobacco Administration, Philippine Tobacco Administration, Philippine Virginia Tobacco Board, Philippine Tobacco Board, Virginia Tobacco Fuelwood Corporation, Philippine Tobacco Research and Training Center, Virginia, Flue-Curing Board, and National Tobacco Classification Council are hereby merged into the National Tobacco Administration, in accordance with Section 22 (e);

(b) The Philippine Agricultural Training Council, Philippine Training Center for Rural Development, and **Bureau** of Agricultural Extension are hereby merged into the Agricultural Training Institute, which shall train Ministry field technicians in extension work with emphasis on technology transfer techniques; train generalists in regional field offices; and conduct multi-level training programs to promote and accelerate rural development.

Sec. 21. Abolition. - The following are hereby abolished, as follows:

(a) National Meat and Inspection Commission, and its functions transferred to a division of the **Bureau** of Animal Industry, in accordance with Section 22 (b);

(b) National Artificial Rain Stimulation Committee, and its functions are transferred to a division of the **Bureau of Soils** and Water Management, in accordance with Section, 22 (b);

(c) Farm Systems Development Corporation's functions are transferred to the respective regional offices of the Ministry, in accordance with Section 22 (b);

(d) Green Revolution Expanded Program Action Committee, in accordance with Section 22 (d).

Sec. 22. Transitory Provisions. - In accomplishing the acts of reorganization herein prescribed, the following transitory provisions shall be complied with, unless otherwise provided elsewhere in this Executive Order:

(a) The transfer of a government unit shall include the functions, appropriations, funds, rights, records, equipment, facilities, choses in action, rights, other assets, and liabilities, if any, of the transferred unit as well as the **personnel** thereof, as may be necessary, who shall, in a hold-over capacity, continue to perform their respective **duties** and responsibilities and receive the corresponding salaries and benefits unless in the meantime they are separated from government service pursuant to Executive Order No. 17 (1986) or Article III of the Freedom Constitution. These **personnel** of the transferred unit whose positions are not included in the Ministry's new position structure and staffing pattern approved and prescribed by the Minister or who are reappointed shall be deemed separated from the service and shall be entitled to the benefits provided in the second paragraph of Section 23 hereof.

(b) The transfer of functions which results in the abolition of the government unit that has exercised them shall include the appropriations, funds, records, equipment, facilities, choses in action, rights, other assets and **personnel** as may be necessary to the proper discharge of the transferred functions. The abolished unit's remaining appropriations and funds, if any, shall revert to the General Fund and its remaining assets, if any, shall be allocated to such appropriate units as the Minister shall determine or shall otherwise be disposed in accordance with the Government Auditing Code and other pertinent laws, rules and regulations. Its liabilities, if any, shall likewise be treated in accordance with the Government Auditing Code and other pertinent laws, rules and regulations. Its **personnel** shall, in a hold-over capacity, continue to perform their **duties** and responsibilities and receive the corresponding salaries and benefits unless in the meantime they are separated from the service pursuant to Executive Order No. 17 (1986) or Article III of the Freedom Constitution. Its **personnel**, whose positions are not included in the Ministry's new position structure and staffing pattern approved and prescribed by the Minister under Section 23 hereof or who are not reappointed, shall be deemed separated from the service and shall be entitled to the benefits provided in the second paragraph of

the same Section 23.

(c) The transfer of functions which does not result in the abolition of the government unit that has exercised them shall include the appropriations, funds, records, equipment, facilities, choses in action, rights, other assets and **personnel** as may be necessary to the proper discharge of the transferred functions. The liabilities, if any, that may have been incurred in connection with the discharge of the transferred functions, shall be treated in accordance with the Government Auditing Code and other pertinent laws, rules and regulations. Such **personnel** their respective **duties** and responsibilities and receive the corresponding salaries and benefits unless in the meantime they are separated from the service pursuant to Executive Order No. 17 (1986) or Article III of the Freedom Constitution. Any **personnel**, whose position is not included in the Ministry's new position is not included in the Ministry's new position structure and staffing pattern approved and prescribed by the Minister under Section 23 hereof or who has not been reappointed, shall be deemed separated from the service and shall be entitled to the benefits provided in the second paragraph of the same Section 23.

(d) In case of the abolition of a government union which does not result in the transfer of it functions to another unit, the appropriations and funds of the abolished unit shall revert to the General Fund, while the records, equipment, facilities, choses in action, rights, and other assets, thereof shall be allocated to such appropriate units as the Minister shall determine or shall otherwise be disposed in accordance with the Government Auditing Code and other pertinent laws, rules and regulations. The liabilities of the abolished unit shall be treated in accordance with the Government Auditing Code and other pertinent laws, rules and regulations, while the **personnel** thereof, whose positions are not included in the Ministry's new position structure and staffing pattern approved and prescribed by the Minister under Section 23 hereof or who have not been reappointed, shall be deemed separated from the service and shall be entitled to the benefits provided in the second paragraph of the same Section 23.

(e) In case merger or consolidation of government unit, new or surviving unit shall exercise the functions (subject to the reorganization herein prescribed and the laws, rules and regulations pertinent to the exercise of such functions) and shall acquire the appropriations, funds records, equipment, facilities, choses in action, rights, other assets, liabilities if any, and **personnel**, as may be necessary, of (1) the units that compose the merged unit or (2) the absorbed unit, as the case may be. Such **personnel** shall, in a hold-over capacity, continue to perform their respective **duties** and responsibilities and receive the corresponding salaries and benefits unless in the meantime they are separated from the service pursuant to Executive Order No. 17 (1986) or Article III of the Freedom Constitution. Any such **personnel**, whose position is not included in the Ministry's new position structure and staffing pattern approved and prescribed by the Minister under Section 23 hereof or who is not reappointed, shall be deemed separated from the service and shall be entitled to the benefits provided in the second paragraph of the same Section 23.

(f) In case of termination of a function which does not result in the abolition of the government unit which has performed such function, the appropriations and funds intended to finance the discharge of such functions shall revert to the General Fund, while the records, equipment, facilities, choses in action, rights and other assets used in connection with the discharge of such functions shall be allocated to the appropriate units as the Minister shall determine or shall otherwise be disposed in accordance with the Government Auditing Code and other pertinent laws, rules and regulations. The liabilities, if any, that may have been incurred in connection with the discharge of such function shall likewise be treated in accordance with the Government Auditing Code and other pertinent laws, rules and regulations. The **personnel** who have performed such function, whose positions are not included in the Ministry's new position structure and staffing pattern approved and prescribed by the Minister under Section 23 hereof or who have not been reappointed, shall be deemed separated from the service and shall be entitled to the benefits provided in the second paragraph of the same Section 23. cdt

Sec. 23. New Structure and Pattern. - Upon approval of this Executive Order, the officers and employees of the Ministry shall, in a hold-over capacity, continue to perform their respective **duties** and responsibilities and receive the corresponding salaries and benefits unless in the meantime they are separated from government service pursuant to Executive Order No. 17 (1986) or Article III of the Freedom Constitution. aisa dc

The new position structure and staffing pattern of the Ministry shall be approved and prescribed by the Minister within one hundred twenty (120) days from the approval of this Executive Order and the authorized positions created thereunder shall be filed with regular appointments by him or by the President, as the case may be. Those incumbents whose positions are not included therein or who are not reappointed shall be deemed separated from the service. Those separated from the service shall receive the retirement benefits to which they may be entitled under existing laws, rules and regulations. Otherwise, they shall be paid the equivalent of one-month basic salary for every year of service otherwise, or the equivalent nearest fraction thereof favorable to them on the basis of highest salary received, but in the no case shall such payment exceed the equivalent of 12 months salary.

No court or administrative body shall issue any writ or preliminary injunction or restraining order to enjoin the separation/replacement of any officer or employee effected under this Executive Order.

Sec. 24. Periodic Performance Evaluation. - The Minister is hereby required to formulate and enforce a system of measuring and evaluating periodically and objectively the performance of the Ministry and submit the same annually to the President.

Sec. 25. Notice or Consent Requirement. - If any reorganizational change herein authorized 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 require shall be complied with prior to the implementation of such reorganizational change. cd

Sec. 26. Change of Nomenclature. - In the event of the adoption of a new Constitution which provides for a presidential form of government, the Ministry shall be called Department of **Agriculture** and the titles of Minister, Deputy Minister, and Assistant Minister shall be changed to Secretary, Undersecretary and Assistant Secretary, respectively.

Sec. 27. Prohibition against Change. - No change in the reorganization herein prescribed shall be valid except upon prior approval of the President for the purpose of promoting efficiency and effectiveness in the delivery of the public services.

Sec. 28. Funding. - Funds needed to carry out the provisions of this Executive Order shall be taken from funds available in the Ministry.

Sec. 29. Implementing Authority of Minister. - The Minister shall issue such rules, and regulations and other issuances as may be necessary to ensure the effective implementation of the provisions of this Executive Order.

Sec. 30. Separability. - Any portion or provision of this Executive Order that may be declared unconstitutional 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. 31. Repealing Clause. - All laws, ordinances, rules, regulations, other issuances or parts thereof, which are inconsistent with this Executive Order, are hereby repealed or modified accordingly.

Sec. 32. Effectivity. - This Executive Order shall take effect immediately upon its approval.

Approved in the City of Manila, Philippines, this 30th day of January, in the year of Our Lord, nineteen Hundred and Eighty-seven.