

[EXECUTIVE ORDER NO. 144, November 02, 2002]

REORGANIZING AND CONVERTING THE COORDINATING COUNCIL FOR PRIVATE SECTOR PARTICIPATION (CCPSP) AND ITS TECHNICAL SECRETARIAT TO THE BUILD-OPERATE AND TRANSFER (BOT) CENTER, TRANSFERRING ITS ATTACHMENT FROM THE OFFICE OF THE PRESIDENT TO THE DEPARTMENT OF TRADE AND INDUSTRY AND FOR OTHER PURPOSES

WHEREAS, Section 12 of Republic Act No. 7718, otherwise known as the Amended BOT Law, identifies the Coordinating Council of the Philippine Assistance Program (CCPAP) as the agency responsible for the coordination and monitoring of projects implemented under the BOT Law;

WHEREAS, Rule 14 of the Implementing Rules and Regulations (IRR) of the Amended BOT Law directs concerned agencies and LGUs to periodically submit to the BOT Center of the CCPAP the status of BOT projects authorized under the BOT Law and likewise submit a copy of all unsolicited proposals that they receive and all other related documents. The BOT Center is further mandated to guide the agencies/LGUs in the preparation and development of the BOT projects, and at the end of every calendar year, the CCPAP shall report to the President and to Congress on the progress of all projects implemented under the BOT Law;

WHEREAS, the CCPAP, which was created under Administrative Order 105, series of 1989, was reorganized and converted into the Coordinating Council for Private Sector Participation (CCPSP), by virtue of Administrative Order No. 67, series of 1999, as amended by Administrative Order No. 103, series of 2000;

WHEREAS, Administrative Order No. 67 mandates CCPSP as the government agency responsible for facilitating, coordinating, and monitoring build-operate and transfer (BOT) and private sector participation (PSP) projects;

WHEREAS, Administrative Order No. 103, series of 2000 designated the Chairman of the Presidential Committee on Flagship Programs and Projects as the ex-officio Chairman of CCPSP;

WHEREAS, the CCPSP Technical Secretariat is presently attached as an autonomous unit to the Office of the President;

WHEREAS, to more effectively carry out its role in the BOT process, the CCPSP Technical Secretariat should be rationalized and placed in the mainstream of bureaucracy;

WHEREAS, under the Administrative Code of 1987, the Department of Trade and Industry is mandated to promote and develop an industrialization program

effectively controlled by Filipinos and shall act as catalyst for intensified private sector activity in order to accelerate and sustain economic growth;

WHEREAS, the Philippine development plan (MTPDP) specified that, through its continuing commitment to deregulation and privatization, the government will increasingly mobilize the private sector to accelerate the financing, construction, and operation of major infrastructure facilities; obtain the required infrastructure through competitive markets with minimum fiscal burden and government contingent liabilities, while protecting the public interest; ensure that users will have adequate, safe, efficient, reliable, and affordable infrastructure services; provide private proponents, who will be generally selected through competition under fair and transparent terms, a level playing field with reasonable returns and sharing of risks;

WHEREAS, to implement the Philippine development plan, there is a need for greater coordinating between the lead government agency that facilitates, coordinates and monitors build-operate and transfer (BOT) and/or private sector participation (PSP) projects, and the Department of Trade and Industry as the agency mandated to act as catalyst for intensified private sector activity in order to accelerate and sustain economic growth;

WHEREAS, under Section 1, Chapter 1, Title I, Book III of Executive Order No. 292 or the Administrative Code of 1987, the President shall have control of all executive departments, bureaus and offices;

WHEREAS, Section 31, Chapter 10, Title III, Book III of the Administrative Code of 1987 provides continuing authority to the President to reorganize the administrative structure of the Office of the President;

NOW, THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. The BOT Center. — The Coordinating Council for Private Sector Participation is hereby converted to the Build-Operate and Transfer Center (BOT Center), and the CCPSP-Technical Secretariat is hereby converted to the Project Monitoring Office, which shall be transferred as an attached unit from the Office of the President (OP) to the Department of Trade and Industry (DTI).

SECTION 2. Powers and Functions of the BOT Center. — The BOT Center shall have the function of promoting investments in BOT and similar projects.

The BOT Center shall have the following powers:

- a) Coordinate and monitor the BOT/PSP Program of the government and implement Section 12 (Coordination and Monitoring of Projects) of Republic Act 7718, otherwise known as the Amended BOT Law, and Rules 3 and 14 of the Implementing Rules and Regulations (IRR) of the Amended BOT Law.
- b) Promote and market the BOT/PSP program, including the formulation and implementation of a promotion and marketing plan, providing service as a "BOT Information Center" for investors/developers as well as government agencies;