

[PCSD RESOLUTION NO. 05-268, November 25, 2005]

“A RESOLUTION AMENDING SECTION 35 OF RULE VII OF THE IMPLEMENTING RULES AND REGULATIONS OF REPUBLIC ACT 7611, OTHERWISE KNOWN AS THE STRATEGIC ENVIRONMENTAL PLAN (SEP) FOR PALAWAN ACT”

WHEREAS, Section 19 of Republic Act 7611 empowers the Council to formulate plans and policies necessary to carry out the provisions of the SEP law as well as to adopt, amend and rescind rules and regulations for the effective implementation of the SEP and other provisions of the said law;

WHEREAS, on May 25, 1993, the Implementing Rules and Regulations of Republic Act 7611 was approved and adopted by the Council;

WHEREAS, Section 20, Chapter V of Republic Act 7611 provides that the Executive Director of the PCSDS shall be appointed by the members of the Council;

WHEREAS, Section 35, Rule VII of the Implementing Rules and Regulations (IRR) of the SEP law provides that the appointment, promotions and removal from office of employees of the Council Staff, including the Executive Director, shall be subject to Civil Service laws, rules and regulations and other relevant legislation and therefore shall enjoy security of tenure. Incumbent employees of the PIADPO who were absorbed by the PCSDS by virtue of Section 20 of RA 7611 shall in regular capacity continue to perform their respective duties and responsibilities and receive the corresponding salaries and benefits. Provided however, the employees under the individual offices of the Members of the Council shall hold office at the pleasure of the Member;

WHEREAS, while it is conceded that the implementing Rules and Regulations of RA 7611 provides that the position of Executive Director, among others is to be covered by Civil Service Rules, it is likewise true that Section 20 of RA 7611, which is a mother legislation, does not so provide for qualifications, stating clearly as above quoted, that the Executive Director is to be appointed by the Council, thereby unmistakably conveying the legislative intent that the position of Executive Director is one and remains to be a position of trust and confidence and service as such is at the pleasure of the appointing authority, which is the Council;

WHEREAS, Section 35, Rule VII of the IRR needs to be amended in order to clarify certain issues regarding the appointment and status of the Executive Director as well as to reveal the true intent of the Philippine Congress in enacting RA 7611;

WHEREAS, the Council in its 124th Regular Meeting held at Kamarikutan Restaurant on November 25, 2005 arrived into an agreement to amend section 35 of Rule VII of the Implementing Rules and Regulations of the SEP law, which shall read as follows, to wit: