

EXECUTIVE ORDER NO. 121

Philippines

1987

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REORGANIZING AND STRENGTHENING THE PHILIPPINE STATISTICAL SYSTEM (PSS) AND FOR OTHER PURPOSES

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

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

BELIEVING that the present Philippine Statistical System is too decentralized, being characterized by a single general-purpose statistical agency, a number of agencies in the production of specialized statistics and other instrumentalities involved in statistical activities either as their primary functions or as part of their administrative or regulatory functions;

REALIZING that the absence of a strong coordinating mechanism has given rise to the problems of duplication of activities, conflicting statistics, data gaps as well as unnecessary burden on respondents;

CONSIDERING that the government needs to rationalize the allocation of resources for the collection of statistics;

TAKING NOTE that the quality of statistical services is affected by the limited number of qualified statistical workers;

CONVINCED that there is a need to maintain a decentralized system characterized by independence, objectivity and integrity to make it more responsive to the requirements of national development;

CONVINCED further that there is also a need for a stronger mechanism to coordinate the decentralized government statistical service in order to promote the orderly development of a system capable of providing timely, accurate and useful data for the government and the public, especially for planning and decision-making;

AFFIRMING that there is a need to ensure the development and maintenance of high-level statistical manpower in the government;

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 Philippine Statistical System.

SEC. 2. Reorganization. The Philippine Statistical System, hereinafter referred to as PSS, is hereby reorganized, structurally and functionally, in accordance with the provisions of this Executive Order.

SEC. 3. Philippine Statistical System. The PSS shall consist of statistical organizations at all administrative levels, the personnel therein and the national statistical program. This includes a policy-making and coordinating body, a statistical research and training center, a single general-purpose statistical agency, all ministries, bureaus, offices, agencies and instrumentalities of the national and local government and all government-owned or controlled corporations and their subsidiaries that are engaged in statistical activities either as their primary functions or as part of their administrative or regulatory functions. The PSS shall remain decentralized with a strong coordination feature to be achieved through closer linkage between statistical programming and budgeting.

SEC. 4. National Statistical Coordination Board (NSCB). There is hereby created National Statistical Coordination Board, hereinafter referred to as NSCB, which shall be the highest policy-making and coordinating body on statistical matters. The NSCB shall be composed of the following: the National Economic and Development Authority (NEDA) Director-General or his/her designated representative as Chairman; the Deputy Minister of the Ministry of Budget and Management (MBM), as Vice-Chairman; one representative each from the remaining Ministries with the rank of Deputy Minister; the Deputy Governor of the Central Bank; the Administrator of the National Statistics Office; the Secretary General of the NSCB; the Director of the Statistical Research and Training Center; the Governor or City Mayor nominated by the League of Governors and City Mayors; and a member from the private sector to be elected by other members of the Board who shall sit in the Board for a period of three years, as members.

The decisions of the NSCB on statistical matters shall be final and executory.

SEC. 5 Powers and Functions. The NSCB shall have the following powers and functions:

1. Promote and maintain an efficient statistical system in the government;
2. Formulate policies on all matters relating to government statistical operations;
3. Recommend executive and legislative measures to enhance the development and efficiency of the system, including the internal structure of statistical agencies;
4. Establish appropriate mechanism for statistical coordination at the regional, provincial and city levels;
5. Approve the Philippine Statistical Development Program;
6. Allocate statistical responsibilities among government agencies by designating the statistics to be collected by them, including their periodicity and content;
7. Review budgetary proposals involving statistical operations and submit an integrated budget for the PSS to the MBM;
8. Review and clear, prior to release, all funds for statistical operations;
9. Develop, prescribe, and maintain appropriate framework for the improvement of statistical coordination;
10. Prescribe uniform standards and classification systems in government statistics;

The NSCB shall not engage directly in any basic data collection activity.

SEC. 6. NSCB Technical Staff. The NSCB shall have a Technical Staff which shall perform the following functions:

1. Provide technical and secretarial support to the NSCB;
2. Serve as the statistical clearing house and liaison for international statistical matters;
3. Perform other functions as may be assigned by the NSCB and as may be necessary to carry out the purposes of this Executive Order.

SEC. 7. Secretary General. The NSCB Technical Staff shall be headed by a Secretary General with the rank of Deputy Minister, who shall be appointed by the President, and is of proven competence and recognized stature in the statistical profession.

SEC. 8. Inter-Agency Committee on Statistics. The NSCB may create inter-agency committees (IAC) to assist it in the exercise of its functions.

SEC. 9. The National Statistics Office. The National Census and Statistics Office is hereby renamed the National Statistics Office (NSO). It shall be the major statistical agency responsible for generating general purpose statistics and undertaking such censuses and surveys as may be designated by the NSCB.

The NSO shall be headed by an Administrator with the rank of Deputy Minister, who shall be appointed by the President, and is of recognized stature and proven competence in the field of statistics.

SEC. 10. The Statistical Research and Training Center. There is hereby created a Statistical Research and Training Center, hereinafter referred to as SRTC, which shall have the following functions:

1. Develop a comprehensive and integrated research and training program on the theories, concepts and methodologies for the promotion of the statistical system;
2. Undertake research on statistical concepts, definitions and methods;
3. Promote collaborative research efforts among members of the academic community, data producers and users;
4. Conduct non-degree training programs to upgrade the quality of statistical personnel and expand the statistical manpower base in support of the needs of the statistical system;
5. Provide financial and other forms of assistance to enhance statistical research and development.

SEC. 11. SRTC Governing Board. The SRTC shall have a Governing Board that shall formulate policies for its management and operations. The Secretary General of the NSCB shall be the Chairman of the SRTC Governing Board, with the following as members: Administrator of the National Statistics Office; Director of the Bureau of Agricultural Statistics; Dean of the University of the Philippines Statistical Center; Executive Director of the Philippine Social Science Council; a representative of the NEDA and the Director of the SRTC as ex-officio member.

SEC. 12. SRTC Executive Director. The SRTC shall have an Executive Director who shall be appointed by the SRTC Governing Board. He shall receive such salary and remuneration as may be determined by the SRTC Governing Board.

SEC. 13. SRTC Endowment Fund. There is hereby established an SRTC Endowment Fund which shall consist of contributions, donations, bequests, grants and loans from domestic and/or foreign sources, government appropriations and other incomes accruing from the operations of SRTC, which Fund is to finance the carrying out of Subsection (a) to (e) of the preceding Section 10. There is hereby appropriated out of any fund in the National Treasury or other sources not otherwise appropriated the sum of SEVEN MILLION PESOS

(P7,000,000.00) as the initial contribution of the government to the Endowment Fund.

SEC. 14. SRTC Initial Operating Fund. There is hereby appropriated and programmed for immediate release out of any unappropriated balances in the National Treasury or other sources the amount of THREE MILLION PESOS (P3,000,000.00) as the initial operating fund of the SRTC.

SEC. 15. Other Statistical Agencies. Unless otherwise provided for in this Executive Order or modified by the NSCB pursuant to its herein authority, all offices, agencies and instrumentalities of the government including government-owned or controlled corporations and their subsidiaries engaged in the production of specialized statistics or otherwise involved in statistical activities either as their primary function or as part of their administrative or regulatory functions, shall continue to discharge such statistical functions in accordance with the provisions of existing laws, rules and regulations.

SEC. 16. Designated Statistics. The NSCB shall designate statistics that should be collected, compiled, processed and disseminated by agencies in accordance with the statistical calendar approved by the NSCB. It shall promulgate and implement the rules and regulations concerning designated statistics and shall periodically review the list of designated statistics as may be required appropriate.

SEC. 17. Access to Data of Government Agencies. Subject to existing laws, rules and regulations on confidentiality of information, any individual, institution or instrumentality shall be given access to unpublished data, provided that the cost incurred is assumed by the requesting party, in accordance with existing laws, rules and regulations.

SEC. 18. Timely Release of Statistics. Agencies conducting statistical inquiries shall be responsible for ensuring the timely release of the results thereof to the general public, in compliance with the statistical calendar approved by the NSCB.

SEC. 19. Statistical Standards. All government agencies shall adopt statistical standards prescribed by the NSCB, including standard concepts and definitions, techniques, procedures and classification systems.

SEC. 20. Funds Programming. The NSCB shall be responsible for the review and prioritization of statistical activities in coordination with appropriate government agencies, given the budgetary ceiling provided by the MBM. The NSCB will also be responsible for determining how the available financial resources will be allocated among the prioritized activities. The MBM shall release the funds in accordance with the priorities set by the NSCB.

SEC. 21. Abolition of Existing Government Bodies. The committee on statistical development created under Letter of Instructions No. 601, the Statistical Advisory Board created under Part VI, Chapter II, Article II of the 1972 Integrated Reorganization Plan, and the Statistical Coordination Office of the National Economic and Development Authority are hereby abolished and their appropriations, records and properties, if any, and such personnel as may be necessary shall be transferred to the NSCB.

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, 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. Those personnel of the transferred unit whose positions are not included in the Philippine Statistical System's new position structure and staffing pattern approved and prescribed by the NSCB Chairman 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 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 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 Philippine Statistical System's new position structure and staffing pattern approved and prescribed by the NSCB Chairman 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 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 personnel, whose position, is not included in the Philippine Statistical System's new position structure and staffing pattern approved and

prescribed by the NSCB Chairman 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 unit which does not result in the transfer of its 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 NSCB Chairman 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 included in the Ministry's new position structure and staffing pattern approved and prescribed by the NSCB Chairman 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 of merger or consolidation of government units, the 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 merger 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 Philippine Statistical System's new position structure and staffing pattern approved and prescribed by the NSCB Chairman 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 function 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 function shall be allocated to appropriate units as the NSCB Chairman 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, they 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 Philippine Statistical System's new position structure and staffing pattern approved and prescribed by the NSCB Chairman under Section 23 hereof or who have not been appointed, shall be deemed separated from the service and shall be entitled to the

benefits provided in the second paragraph of the same Section 23.

SEC. 23. New Structure and Pattern. Upon approval of this Executive Order, the 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 of the abolished entities mentioned in Section 21 hereof 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.

The new position structure and staffing pattern of the Philippine Statistical System shall be approved and prescribed by the NSCB Chairman within one hundred twenty (120) days from the approval of this Executive Order and the authorized positions created thereunder shall be filled with regular appointments by him or by the President as they 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 the existing laws, rules and regulations. Otherwise, they shall be paid the equivalent of one-month basic salary for every year of service, or the equivalent nearest fraction thereof favorable to them on the basis of highest salary received, but in 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. Notice of 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 are required to be made or obtained pursuant to any agreement entered into with any of such creditors, such notice or consent requirement shall be complied with prior to the implementation of such reorganizational change.

SEC. 25. Periodic Performance Evaluation. The NSCB Chairman is hereby required to formulate and enforce a periodic system of measuring objectively the performance of the NSCB, which shall be submitted semi-annually and annually to the President.

SEC. 26. 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 public services.

SEC. 27. Funding. Funds needed to carry out the reorganization of any agency or office as a result of this Executive Order shall be taken from funds available in said agency or office.

SEC. 28. Implementing Authority of NSCB Chairman. The NSCB Chairman shall issue such rules, regulations and other issuances as may be necessary to ensure the effective implementation of the provisions of this Executive Order.

SEC. 29. 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. 30. 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. 31. 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.

(SGD.) CORAZON C. AQUINO

By the President:

(SGD.) JOKER P. ARROYO
Executive Secretary