

Office of the President
of the Philippines
Malacañang

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JUL 19 1989

EXECUTIVE ORDER NO. 122-A

CREATING THE OFFICE ON MUSLIM AFFAIRS

RECALLING that the reorganization of the government is mandated expressly in Article II, Section 1 (a), and Article III of the Freedom 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 efficiency and effectiveness in the delivery of public services;

CONSIDERING that the reconciliatory thrust of the government is designed to achieve political stability and hasten the emergence of a truly democratic egalitarian and service-oriented system of government;

AFFIRMING that adequate representation of the Muslim Filipinos in the policy-making councils of the Government will strengthen national unity;

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:

SECTION 1. Title. This Executive Order shall otherwise be known as the Act creating the Office on Muslim Affairs.

SECTION 2. Office on Muslim Affairs. The Office on Muslim Affairs, hereinafter referred to as Office, is hereby created in accordance with the provisions of this Executive Order and subject to the supervision and control of the President.

SECTION 3. Delegation of Policy. It is henceforth the policy of the State to ensure the rights and well-being of Muslim Filipinos with due regard to their beliefs, customs, traditions and institutions, as well as to further ensure their contribution to national goals and aspirations and to make them active participants in nation-building.

SECTION 4. Mandate. The Office shall preserve and develop the culture, traditions, institutions and well-being of Muslim Filipinos, in conformity with the country's laws and in consonance with national unity and development.

SECTION 5. Powers and Functions. To accomplish its mandate, the Office shall have the following powers and functions:

- (a) Provide advice and assistance to the President in the formulation, coordination, implementation and monitoring of policies, plans, programs, and projects affecting Muslim communities; when so authorized, represent the President on matters concerning Muslim Communities; serve as a link between the President and public or private agencies, internal or external, involved in such programs and

projects; and recommend such affirmative actions as may be necessary for their efficient and effective implementation;

Undertake and coordinate development programs and projects for the advancement of Muslim Communities, including designing, implementing, and maintaining settlements of Muslim Communities;

- (c) Act as the primary government agency through which Muslim Filipinos can seek government assistance and redress; serve as the medium through which such assistance may be extended to Muslim Filipinos; for this purpose, the Office is hereby authorized to give grants-in-aid out of its appropriations or other appropriate funds to cooperating government agencies for such programs or projects which are for the development of Muslim Communities; provide services including legal assistance, medical aid, relief and other forms of assistance for the socio-economic upliftment of Muslim Communities;

Enter, subject to existing laws, policies and guidelines, into such contracts, agreements or arrangements with government or private agencies or entities as may be necessary to attain the objectives of the Office, including obtaining loans from lending institutions, subject to the approval of the President, which shall finance its implementation of the provisions of this Executive Order;

In accordance with pertinent laws, rules and regulations then in force, and subject to guidelines provided by the President, promote and enhance the development of domestic trade and commerce among the members of the Muslim communities; or promote and facilitate the establishment by members of the Muslim Communities of venture and investments in cooperation or coordination with existing public enterprises, corporations or private entities; or subject to prior approval of the President, initiate and/or organize, in accordance with pertinent laws, rules and regulations then in force, enterprises based on the principles of Islamic business and finance consisted with existing policies and guidelines for the benefit and welfare of the regions of autonomy;

Accept grants, donations, gifts, funds and/or properties in whatever form and from whatever source, in coordination with the appropriate agency, for the benefit of Muslim Filipinos, and administer the same in accordance with the terms thereof, or in the absence of any condition, in such manner consistent with the interest of Muslim Filipinos as well as existing laws.

Undertake studies, establish and maintain ethnographic research centers and museums on the culture and institutions of Muslim Filipinos for policy formulation and program implementation, and for the purpose of preserving their historical heritage;

- 5) Certify, whenever appropriate, membership of persons in Muslim Communities for purposes of establishing qualifications for specific requirements of government and private agencies or for benefits as may be provided by law;

Initiate, subject to the approval of the President, eminent domain proceedings in pursuance of the aims and purposes of this Executive Order;

Acquire, lease or own such property or assets in whatever form as may be necessary, and sell or otherwise dispose of the same, and serve as the custodian or administrator of such lands or areas and other properties or assets the President may reserve for the benefit of Muslim Communities;

Conduct inspections or surveys, jointly with other appropriate agencies, and issue necessary certifications prior to the grant of any license, lease or permit for the exploitation of natural resources affecting the interests of Muslim Communities or areas occupied by them; and, in case of conflicts, recommend to the President appropriate action under the circumstances;

Provide legal and technical services for the survey, adjudication, titling and development of Muslim ancestral lands as well as settlements proclaimed by the government for the Muslim Filipinos;

Initiate, plan, integrate, execute, implement, coordinate, manage, supervise and administer all aspects and phases of programs, projects and activities relevant to the annual hajj (pilgrimage) to Mecca, Saudi Arabia;

Coordinate with and obtain assistance, support and cooperation, from other offices, including the private sector to ensure the success of every such pilgrimage to Mecca, Saudi Arabia;

Conduct a continuing study on, and submit to the President recommendations for, improving and modernizing the system employed to ensure the success of every such pilgrimage to Mecca, Saudi Arabia;

Prescribe rules and regulations, on the administration, supervision and orderly conduct of such pilgrimage to Mecca, Saudi Arabia;

Administer, hold in trust, awqaf (endowments) properties and/or awqaf institutions, and receive by way of grant, donations or gifts awqaf investments in accordance with the principle of Islamic investment and finance;

Prescribe rules and regulations for the establishment of awqaf institutions, administration of awqaf assets, and settlements of disputes among awqaf beneficiaries, pursuant to the general principles of Shari'ah (Islamic Law);

Formulate and adopt a program for the development of the Madrasah schools, in cooperation and coordination with appropriate agencies of government, including the strengthening of programs on Islamic studies; and conduct continuing programs on legal education and research in the field of Shari'ah and Islamic jurisprudence;

(t) Perform such other related functions as may be incidental or necessary in the attainment of the objectives of the Office as may be directed by the President or assigned by Law.

SECTION 6. Membership. The Office shall be composed of an Executive Director and two (2) Deputy Executive Directors, all of whom shall be appointed by the President. . .

SECTION 7. Rules and Regulations. The Office is hereby authorized to establish and prescribe the rules and regulations governing the conduct of its operations.

SECTION 8. Administrative Supervision and Control. The administrative supervision and control over the personnel, other than the Deputy executive Director, and the properties of the Office shall be vested in the Executive Director. Except Presidential appointees, the appointment of and the imposition of disciplinary measures on the same personnel shall likewise be vested in the Executive Director who shall accomplish the same in consultation with the Deputy Executive Directors except that, when the administrative charge entails, considering the circumstances alleged in the complaint, the penalty of dismissal from the service, the decision thereon shall be by the majority of all the members of the Office. The Executive Director shall exercise administrative supervision over the Deputy Executive Directors. The Deputy Executive Directors shall assist the Executive Director in the performance of his functions, who may assign or delegate specific and substantive or administrative responsibilities to either of them.

SECTION 9. Structural Organization. The Office on Muslim Affairs, comprising the offices of the Executive Director and the Deputy Executive Directors and their immediate staff, shall consist of Services, Bureaus, Regional Offices, Field Offices and Sub-offices and may be established in accordance with this Executive Order.

SECTION 10. Services. The Services of the Office shall consist of the Administrative Service, Finance and Management Service, Planning Service and Legal Service, each of which shall be headed by a Staff Director.

SECTION 11. Administrative Service. The Administrative Service shall be responsible for providing the Office with efficient and effective staff services relating to personnel, information, records, supplies, equipment, collection, disbursement, security and custodial work.

SECTION 12. The Finance and Management Service. The Finance and Management Service shall be responsible for providing the Office with efficient and effective staff advice and assistance on budgetary, financial and management matters.

SECTION 13. Planning Service. The Planning Service shall be responsible for providing the Office with efficient and effective staff services relating to planning, monitoring, programming and project development.

SEC. 14. Legal Service. The Legal Service shall be responsible for providing Muslim Filipinos with the legal education and assistance in case of litigations involving their persons or interests; act as the legal counsel of the Office; and investigate cases involving the personnel of the Office and submit the appropriate recommendations pertaining thereto.

SEC. 15. Bureaus. The Bureaus of the Office shall consist of: the Bureau of Pilgrimage and Endowment, Bureau of Muslim Cooperatives Development, Bureau of Cultural Affairs and Bureau of Muslim Settlements, and Bureau of External Relations, each of which shall be headed by a Bureau Director.

SEC. 16. Bureau of Pilgrimage and Endowment. The Bureau of Pilgrimage and Endowment shall be primarily responsible for the administration of the annual Muslim pilgrimage to Mecca, Saudi Arabia; the formulation and implementation of programs, projects and activities for the efficient and effective administration and supervision of the conduct of pilgrimage activities, Awqaf (endowment) properties and institutions; the conduct of researches and studies for the establishment and maintenance of hajj towns, Islamic centers and Awqaf projects.

SEC. 17. Bureau of Muslim Cooperatives Development. The Bureau of Muslim Cooperatives Development shall be primarily responsible for promoting and developing cooperative endeavors among Muslim Filipinos, including the conduct of researches, symposia, seminars and other development programs and projects as may be directed by the President.

SEC. 18. Bureau of Muslim Cultural Affairs. The Bureau of Muslim Cultural Affairs shall be primarily responsible for the development, promotion and enhancement of Muslim culture and institutions; undertake researches and studies on policy formulation and program implementation, as well as establish and maintain research centers and museums, on Muslim culture and institutions; directly implement development projects and/or provide and coordinate relief assistance to Muslim communities; formulate and implement madrasah development programs; conduct and undertake Shari'ah legal education.

SEC. 19. Bureau of Muslim Settlements. The Bureau of Muslim Settlements shall be responsible for the promotion and development of Muslim settlements, including coordination for relief assistance therefore, the conduct of studies and researches thereon; the monitoring of activities therein as well as the introduction of support programs for the benefit of Muslim communities.

SEC. 20. Bureau of External Relations. The Bureau of External Relations shall coordinate with the proper agencies in soliciting assistance from Muslim countries, their organizations and offices for the benefit of Muslim communities in the Philippines.

SEC. 21. Regional Offices, Field Offices, Sub-offices. The Office is hereby authorized to establish, operate and maintain Regional Offices in such appropriate administrative regions of the country, each of which shall be headed by a Regional Director. A Regional Office shall have, within its administrative region, the following functions:

- (a) Implement laws, rules, regulations, policies, programs and projects of the Office;

- (b) Provide efficient and effective service to Muslim Filipinos;
- (c) Coordinate with regional offices of ministries, offices and agencies in the administrative region;
- (d) Coordinate with local government units;
- (e) Perform such other functions as may be provided by law.

The Office is likewise authorized to establish, operate and maintain field offices and sub-offices, whenever necessary, appropriate and feasible, the functions of which shall be determined by the Office.

SECTION 22. Contracts, Agreements and Obligations. All existing legitimate contracts, agreements, and other obligations entered into or incurred by the defunct Office of Muslim Affairs and Cultural Communities and other affected offices, as may be pertaining to such powers and functions which may have been succeeded to by the Office, shall continue to be in force, subject, insofar as the law may allow to review by the Office and subsequent legal action as may be proper, just and fair.

SECTION 23. New Structure and Pattern. The position structure and staffing pattern of the Office shall be approved and prescribed by the Executive Director 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 the case may be. Incumbents of the defunct Office of Muslim Affairs and Cultural Communities 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, or equivalent nearest fraction thereof favorable to them on the basis of the 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 of preliminary injunction or restraining order to enjoin the separation/replacement of any officer (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 the succeeding Constitution) or employee effected under this Executive Order.

SECTION 24. Periodic Performance Evaluation. The Executive Director is hereby required to formulate and enforce a system of measuring and evaluating periodically and objectively the performance of the Office and submit the same annually to the President.

SECTION 25. 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 service.

SEC. 26. Funding. Funds needed to carry out the provisions of this Executive Order shall be taken from funds available in the Office of Muslim Affairs and Cultural Communities.

SEC. 27. Implementing/Authority of Executive Director. The Executive Director shall issue such orders, rules, regulations and other issuances as may be necessary to ensure the effective implementation of this Executive Order.

SEC. 28. 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. 29. 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. 30. 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.

Ernesto B. Aragon

By the President:

Joker P. Arroyo
JOKER P. ARROYO
Executive Secretary