

EXECUTIVE ORDER NO. 315

RENAMING THE CABINET COMMITTEE ON THE BATAAN NUCLEAR POWER PLANT AS "THE PRESIDENTIAL COMMITTEE ON THE PHILIPPINE NUCLEAR POWER PLANT" AND DEFINING ITS STRUCTURE, POWERS AND FUNCTIONS.

WHEREAS, on April 30, 1986 the Cabinet decided not to operate the Philippine Nuclear Power Plant (PNPP) and created a Committee to study the legal options available to the Philippine Government in connection with such decision;

WHEREAS, the Senate has created an Ad Hoc Bataan Nuclear Power Plant Committee to study and oversee the policy considerations bearing on any action on the PNPP, in close consultation and coordination with the Cabinet Committee on the PNPP and the House Committee on Energy;

WHEREAS, Executive Order No. 55, as amended by Executive Order No. 98, transferred the ownership of the PNPP, its equipment, materials, facilities, records and uranium fuel from the National Power Corporation to the National Government, subject to such obligations as may be legally enforceable against the National Government;

WHEREAS, the statute of limitations, the huge interest payments, and other pressing factors render it imperative and urgent that the Government accelerate, systematize and integrate all its actions in respect to the PNPP; and

WHEREAS, it is necessary to define the structure, powers and functions of the Cabinet Committee on the PNPP to enable it to implement more effectively and immediately its mandate to study the legal options available to the Philippine Government;

NOW, THEREFORE, I, CORAZON C. AQUINO, President of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. Name. - The Cabinet Committee on the Bataan Nuclear Power Plant is hereby renamed "The Presidential Committee on the Philippine Nuclear Power Plant" and its structure, powers and functions are hereby defined as provided hereinbelow.

SEC. 2. Composition. - The Committee shall be composed of the following officials or their duly authorized representatives:

- Secretary of Justice Chairman
- Secretary of Finance Member
- Secretary of Budget and Management Member
- Secretary of Science and Technology Member
- Chairman, Presidential Commission on Good Government Member

Governor, Central Bank	Member
Solicitor General	Member
Director, Philippine Nuclear Research Institute	Member
President, National Power Corporation . . .	Member
Administrator, Export Processing Zone Authority	Member
President, Philippine National Oil Company	Member

SEC. 3. Powers and Functions. - The Committee shall have the following powers and functions:

- (a) To initiate, coordinate and implement the negotiation, arbitration and/or litigation of any and all claims, causes of action, or any other legal option that the Government has or may have against any person, natural or juridical, in connection with the Philippine Nuclear Power Plant;
- (b) To supervise and coordinate the maintenance and preservation of the Philippine Nuclear Power Plant, and the disposition or liquidation of its structures, equipment, spare parts, uranium fuel, and other related items;
- (c) To initiate and coordinate the efforts of the appropriate Government agencies and instrumentalities to restructure, whenever legally enforceable, all loans and financial obligations relating to the Philippine Nuclear Power Plant, and otherwise dispose of all related claims;
- (d) To call upon any department, bureau, office, agency or instrumentality of the Government for such assistance as the Committee may need, to request and utilize the services of their personnel, technical experts and professionals, and to utilize and share their resources and materials;
- (e) To retain counsel and consultants, foreign and/or local, subject to applicable laws, rules and regulations, and policy considerations;
- (f) To enter into contracts for the purchase, rental, procurement or use of office space, equipment and other logistical resources, including the availment of facilities for required domestic or international communication and travel;

- (g) To hold fact-finding hearings and other investigative activities, for which purpose it may administer oaths or affirmations; and issue subpoena ad testificandum for any public official or private individual to testify before it, or subpoena duces tecum for the production of required documents or information, and to exercise such powers in aid of its investigative powers under the law;
- (h) To formulate and implement such operational rules and regulations as will ensure the efficient performance of its functions; and
- (i) In general, to exercise all the powers and perform all the functions necessary and appropriate to pursue and attain its objectives.

SEC. 4. Divisions. - The Committee shall have three (3) operating divisions, namely:

(a) Legal Division, to be headed by the Secretary of Justice, and composed of the Secretary of the Budget and Management, the Chairman of the Presidential Commission on Good Government, the Solicitor General and the President of the National Power Corporation, which shall have primary supervisory responsibility for the enforcement of all claims and/or legal options relative to the PNPP.

(b) Asset Maintenance and Disposition Division, to be headed by the Secretary of Science and Technology, and composed of the President of the National Power Corporation, the Director of the Philippine Nuclear Research Institute, the Administrator of the Export Processing Zone Authority, and the President of the Philippine National Oil Company, which shall have primary supervisory responsibility for the preservation and maintenance of the PNPP and the liquidation and disposition of its assets.

(c) Debt Restructuring and Disposition Division, to be headed by the Secretary of Finance, and composed of the Governor of the Central Bank and the President of the National Power Corporation, which shall have primary supervisory responsibility for the restructuring, whenever legally enforceable, of all loans and financial obligations relating to PNPP.

SEC. 5. Secretariat and Technical Committees. - The Committee shall have a Secretariat which shall collate all data, information and materials, and provide all the necessary staff support to the Committee. It shall be composed of such personnel from the public

and private sectors as may be detailed to the Committee upon request of the Chairman. The Secretariat shall be headed by an Executive Director to be designated by the Chairman, upon consultation with the members of the Committee. The members of the Secretariat of the previous Cabinet Committee on the Bataan Nuclear Power Plant shall be deemed part of the Secretariat. The Secretariat shall coordinate with the Staff of the Senate Ad Hoc Bataan Nuclear Power Plant Committee and the House Committee on Energy.

Whenever necessary, the Committee may constitute technical committees/sub-committees to assist it in the discharge of its functions and to engage the services of members of the private sector for advice, consultation and appropriate assistance.

SEC. 6. Funds. - The sum of FORTY MILLION (P40,000,000.00) PESOS, is hereby set aside from the Contingent Funds of the Office of the President for the use of the Committee. In case of a deficiency, such sums as may be necessary to support the Committee's operations shall be provided by the participating agencies and by such other entities willing to contribute upon request of the Committee.

SEC. 7. Effectivity. - This Executive Order shall take effect immediately.

Done in the City of Manila, this 4th day of January, in the year of Our Lord, nineteen hundred and eighty-eight.

Ermano S. Aquino

By the President:

Catalino Macaraig, Jr.
CATALINO MACARAIG, JR.
Executive Secretary