

By the President of the Philippines

EXECUTIVE ORDER NO. 180

AMENDING EXECUTIVE ORDER NO. 155  
ABOLISHING THE COUNCIL FOR INVESTMENTS  
IN TRADE, INDUSTRY, TOURISM, AGRICULTURE,  
NATURAL RESOURCES, TRANSPORTATION,  
COMMUNICATIONS AND SERVICES  
AND REFOCUSING AND STRENGTHENING  
THE INVESTMENT ONE-STOP ACTION CENTER AND  
CREATING THE POSITION OF INVESTMENT OMBUDSMAN

**WHEREAS**, a more intensive generation of investments from local and foreign investors is needed to sustain development efforts;

**WHEREAS**, there is a need to entrench new policies with new administrative procedures at the implementation level to provide assistance to current and potential investors and to enhance the coordination and complementation efforts of government to promote investments;

**WHEREAS**, Executive Order No. 136, s. 1987, created a Council for Investments in Trade, Industry, Tourism, Agriculture, Natural Resources, Transportation, Communications and Services to coordinate investment development efforts of the government and to promote the country as an attractive investment area in identified sectors;

**WHEREAS**, EO 136 further created an Investment One-Stop Action Center (OSAC) under the Board of Investments to provide assistance to local and foreign investors by providing information, advice, and guidance on pertinent laws and procedures relative to doing business in the Philippines and to accept and act on applications for investments;

**WHEREAS**, pursuant to the Cabinet agreement on 18 August 1992, investment promotion units were established in key government offices to assist OSAC in their respective areas;

**WHEREAS**, the President has continuing authority to reorganize the administrative structure of the Office of the President pursuant to Executive Order No. 292 (Administrative Code of 1987);

**WHEREAS**, under Section 77 of the General Provisions of Republic Act No. 8745 or FY 1999 General Appropriations Act, the President may direct changes in the organization and key positions in any department, bureau or agency; and

**WHEREAS**, there is a need to refocus and strengthen the OSAC in order to be more responsive to the needs of investors in view of the highly competitive global environment.

**NOW, THEREFORE, I JOSEPH EJERCITO ESTRADA**, President of the Republic of the Philippines, by virtue of the powers vested in me by law and the Constitution, do hereby order the following:

**SECTION 1. ABOLISHING THE COUNCIL FOR INVESTMENTS.** The Council for Investments in Trade, Industry, Tourism, Agriculture, Natural Resources, Transportation, Communications and Services, created pursuant to EO 136 s. 1987, is hereby abolished and its budget and plantilla of personnel is hereby transferred to the Board of Investments.

**SECTION 2. CREATING THE OFFICE OF THE INVESTMENT OMBUDSMAN.** There is hereby created an Office of the Investment Ombudsman which shall be under the direct supervision of the Chairman of the Board of Investments. It shall be headed by an Investment Ombudsman who shall be appointed by the President upon recommendation of the BOI Chairman.

The Investment Ombudsman shall be designated as a Special Deputy of the Ombudsman.

The Investment Ombudsman shall be assisted by a Director for the Complaints and Action Center for Investments and a Director for the Quick Response One-Stop Action Center for Investments, both of whom shall also be appointed by the President upon recommendation of the BOI Chairman.

The Office of the Investment Ombudsman shall have a full-time staff complement for the services directly supportive to the performance of its functions.

**SECTION 3. RENAMING AND REFOCUSING THE OSAC.** The Investment One-Stop Action Center of the Board of Investments, created pursuant to EO 136, s. 1987 shall be transferred from the Board of Investments and hereby re-named Quick Response One-Stop Action Center for Investments (QROSACI) and shall be under the Office of the Investment Ombudsman.

**SECTION 4. FUNCTIONS OF THE QROSACI.** The QROSACI shall serve as clearing house for potential investors and undertake due diligence on the capabilities of potential investors. In this regard, the QROSACI shall undertake the following functions to assist investors with the desired credentials:

- a. Provide advise, guidance and information on various laws, rules and regulations governing investments and the conduct of business in the Philippines, including incentives that can be availed of;
- b. Facilitate the processing of all investment-related requirements by concerned agencies including local government units (e.g., licenses and permits, importation, taxation, etc., by ensuring that all frontline agencies perform their tasks within prescribed standards and parameters;
- c. Coordinate closely with the Investment Facilitation Specialists which shall be part of a network providing current and prospective investors with answers to technical and legal inquiries and fast action on the approval of investment-related permits and licenses.
- d. Improve time and quality standards for processing of investment-related papers in government agencies; and
- e. Coordinate with private sector organizations, the heads of which may be invited to constitute an Advisory Council which shall provide information, advice and feedback on the investment development efforts of the government.
- f. Promulgate rules of procedure for the effective exercise of its powers, functions, and duties.



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- g. Perform such other functions as may be directed by the President and/or the Secretary of Trade and Industry.

**SECTION 5. COORDINATING MECHANISM AND DESIGNATION OF INVESTMENT SPECIALISTS.** The Investment Ombudsman shall establish a coordinating mechanism for addressing investor concerns with the following concerned government departments and agencies: Department of Trade and Industry, Department of Finance, Department of Environment and Natural Resources, Department of Agriculture and Food, Department of Agrarian Reform, Department of Tourism, Department of Interior and Local Government, Department of Justice, Bureau of Immigration, Bureau of Customs, Bureau of Internal Revenue, the Housing Land Use Regulatory Board and the Philippine National Police, to further enhance the services of the QROSACI. For this purpose, *Investment Facilitation Specialists* shall be designated by the aforementioned government departments and agencies, whose rank shall not be less than third in rank therein. The designation of the Investment Facilitation Specialists shall be confirmed by a memorandum of agreement (MOA) between the Investment Ombudsman and the head of the department or agency within thirty (30) days after the Office of the Investment Ombudsman becomes operational.

The Investment Facilitation Specialist should have authority to provide the QROSACI and investors with answers to technical and legal inquiries as well as take fast action on the approval of investment-related permits and licenses submitted by the QROSACI. Whenever a more detailed evaluation of documents and papers are necessary, the Investment Specialist shall be responsible for monitoring the status of such documents and papers and ensuring that they are returned to the QROSACI and the applicant in the shortest possible time or within the prescribed time period.

**SECTION 6. FUNCTIONS OF THE INVESTMENT OMBUDSMAN.** The Office of the Investment Ombudsman shall act as a Complaints and Action Center for Investment and, as Special Deputy of the Ombudsman, shall have the following powers and functions:

- a. **Conduct Inquiries:** Inquire into acts or omissions of any public official or employee of the Government, or of any office, agency or instrumentality thereof concerned with the entry of local and foreign investments, including local government units and officials, which the Investment Ombudsman may consider to be:
- \* contrary to law or regulation;
  - \* unreasonable, unfair, oppressive, irregular or inconsistent with the general course of the operations of a public officer, employee, office or agency;
  - \* an error in the interpretation or application of law, rules or regulations, or a gross or palpable error in the appreciation of facts;
  - \* based on improper motives or corrupt considerations;
  - \* unclear or inadequately explained when reasons should have been revealed;
  - \* inefficiently performed or otherwise objectionable.
- b. **Direct Performance:** Direct, upon complaint of any investor, or at its own instance, any public official or employee or any office, agency or instrumentality, including local government units and officials, as well as any government-owned or controlled corporation with original charter, to perform and expedite any act or duty required by law to facilitate the entry of local and foreign investment, or to stop, prevent and correct any abuse or impropriety in the performance of duties.
- c. **Submission of Documents:** Direct, in any appropriate case, and subject to such limitations as may be provided by law, any public official or employee, or any office, agency, or instrumentality, including local government units and officials, as well as any government-owned or controlled corporation with original charter, to furnish copies of documents relating to contracts or transactions entered into by



such office involving the entry of local or foreign investment or to examine, if necessary, pertinent records and documents.

- d. **Request Assistance and Information:** Request any government agency or local government unit for assistance and information necessary in the discharge of its responsibilities.
- e. **Publicity for Deterrence Purposes:** With due prudence, publicize matters covered by its inquiries or investigations when circumstances so warrant .
- f. **Recommend Reforms:** Determine the causes of inefficiency; red tape, mis-management, fraud and corruption in the offices concerned with the entry of local and foreign investment and make recommendations for their elimination and the observance of high standards of ethics and efficiency.
- g. **Promulgate Rules:** Promulgate its rules of procedure and exercise such other powers or perform such functions or duties as may be provided by law.

**SECTION 6. FUNDING.** The Secretary of Budget and Management is hereby directed to allocate funds from the Organizational Adjustment Fund or from any available fund under the annual appropriations of the government to support the Office of the Investment Ombudsman.

Funds for the operations of the Office of the Investment Ombudsman shall be released through the Secretary of Trade and Industry, subject to the submission of the Staffing Pattern and Work and Financial Plan to the Department of Budget and Management.

**SECTION 7. REPORTING SYSTEM.** The Investment Ombudsman, through the Secretary of Trade and Industry, shall submit quarterly reports to the Office of the President on steps taken to address investors concerns.

**SECTION 8. SEPARABILITY CLAUSE.** In the event that the provisions of this Executive Order are hereby declared to be separable and in the event any provision or part thereof is declared unconstitutional the other provisions or part thereof which are not affected thereby shall remain in full force and effect.

**SECTION 9. REPEALING CLAUSE.** All issuances, orders, rules and regulations or parts thereof which are inconsistent with the provisions of this Executive Order are hereby repealed or modified accordingly.

**SECTION 9. EFFECTIVITY.** This Executive Order takes effect immediately.

**DONE**, in the City of Manila, this 23rd day of November, in the Year of Our Lord, Nineteen Hundred and Ninety-nine.

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*Jose E. Estrada*  
JOSEPH EJERCITO ESTRADA



By the President:

Date



*Ronaldo B. Zamora*

**RONALDO B. ZAMORA**  
Executive Secretary



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