

EXECUTIVE ORDER NO. 129-A

(July 27, 1987)

**MODIFYING EXECUTIVE ORDER NO. 129 REORGANIZING AND
STRENGTHENING THE DEPARTMENT OF AGRARIAN REFORM AND
FOR OTHER PURPOSES**

WHEREAS, Executive Order No. 129 dated January 30, 1987 was suspended;

WHEREAS, Presidential Proclamation No. 131 and Executive Order No. 229, both dated July 22, 1987 instituted a Comprehensive Agrarian Reform Program (CARP) and provided the mechanisms for its implementation;

WHEREAS, Executive Order No. 229 vests on the Department of Agrarian Reform quasi-judicial powers to determine and adjudicate agrarian reform matters;

WHEREAS, there is a need to strengthen and expand the functions of the Department of Agrarian Reform to be more effective in implementing the Comprehensive Agrarian Reform Program;

WHEREAS, under Article XVIII, Section 6, of the 1987 Constitution, the President shall continue to exercise legislative powers until the First Congress convenes;

NOW, THEREFORE, I, CORAZON C. AQUINO, PRESIDENT OF THE PHILIPPINES, by virtue of the powers vested in me by the Constitution, do hereby order:

SECTION 1. *Title.* — This Executive Order shall otherwise be known as the Reorganization Act of the Department of Agrarian Reform.

SECTION 2. *Reorganization.* — The Department of Agrarian Reform is hereby reorganized structurally and functionally, hereinafter referred to as the Department, in accordance with the provisions of this Executive Order.

SECTION 3. *Declaration of Policy.* — It is the declared policy of the State of completely abolish all remnants of feudalism and all other types of unjust tenurial arrangements, implement the comprehensive agrarian reform program, increase the productivity of the direct producers, and strengthen the agricultural base for increased industrialization.

Pursuant to this policy, the State shall:

- a) Establish owner-cultivated economic, family-size farms and collectively-owned/cooperatively-cultivated farms as the foundation of Philippine agriculture;
- b) Prohibit absentee land ownership;
- c) Rechannel and divert landlord capital in agriculture to industrial development;
- d) Assist in the preservation and conservation of prime lands for agricultural purposes;
- e) Encourage the establishment and protect the autonomy and independence of institutions of farmers and farmworkers that will safeguard their interests and ensure their dignified existence, free from pernicious restraints and practices;
- f) Create just and viable socio-economic structures in agriculture conducive to greater productivity and higher incomes through the cooperative system of production, processing, marketing, distribution, and credit services;
- g) Accelerate the disposition of public alienable, disposable, and cultivable land to actual cultivators and other qualified beneficiaries and develop agrarian communities for full utilization of land for human growth and development;
- h) Institutionalize partnerships between government and organizations of farmers and farmworkers in agrarian reform policy formulation, program implementation, and evaluation;
- i) Provide specific investment opportunities, alternative employment, and other incentives for landowners affected by agrarian reform;
- j) Ensure adequate funding support for the agrarian reform program as well as timely, affordable, and appropriate financing schemes to its beneficiaries;
- k) Implement an agricultural land tax scheme that will prevent land hoarding and/or speculation.

SECTION 4. *Mandate.* — The Department shall be responsible for implementing the Comprehensive Agrarian Reform Program and, for such purpose, it is authorized to:

- a) Acquire, determine the value of, subdivide into family-size farms or organize into collective of cooperative farms and develop private agricultural lands for distribution to qualified tillers, actual occupants, and displaced urban poor;

- b) Administer and dispose all cultivable portions of the public domain declared as alienable and disposable for agricultural purposes transferred to it by the Department of Environment and Natural Resources;
- c) Acquire, by purchase or grant, real estate properties suited for agriculture that have been foreclosed by the national government;
- d) Undertake land consolidation, land reclamation, land forming, and conservation in areas subject to agrarian reform;
- e) Facilitate the compensation of landowners covered by agrarian reform;
- f) Issue emancipation patents to farmers and farmworkers who have been given lands under the agrarian reform program as may be provided for by law;
- g) Provide free legal services to agrarian reform beneficiaries and resolve agrarian conflicts and land tenure problems;
- h) Develop and implement alternative land tenure systems such as cooperative farming and agro-industrial estates, among others;
- i) Undertake land use management and land development studies and projects in agrarian reform areas;
- * k) Approve or disapprove the conversion, restructuring or readjustment of agricultural lands into non-agricultural uses;
- l) Monitor and evaluate the progress of agrarian reform implementation;
- m) Assist the Office of the Solicitor General in providing evidence for the reversion proceedings to be filed with respect to lands of the public domain, occupied by private individuals and their tenants or farmworkers which are subject to land reform, and real rights connected therewith which have been acquired in violation of the Constitution or the public land laws or through corrupt practices;
- n) Submit progress reports to the Office of the President, to Congress, and to the people at the end of each year and at all times make available to the general public information on the current status of its programs.

SECTION 5. *Powers and Functions.* — Pursuant to the mandate the Department, and in order to ensure the successful implementation of the Comprehensive Agrarian Reform Program, the department is hereby authorized to:

- a) Advise the President and the Presidential Agrarian Reform Council on the promulgation of executive/administrative orders, other regulative issuances and legislative proposals designed to strengthen agrarian reform and protect the interests of the beneficiaries thereof;
- b) Implement all agrarian laws, and for this purpose, punish for contempt and issue *subpoena*, *subpoena duces tecum*, writs of execution of its decisions, and other legal processes to ensure successful and expeditious program implementation; the decisions of the Department may in proper cases, be appealed to the Regional Trial Courts but shall be immediately executory notwithstanding such appeal;
- c) Establish and promulgate operational policies, rules and regulations and priorities for agrarian reform implementation;
- d) Coordinate program implementation with the Land Bank of the Philippines and other relevant civilian and military government agencies mandated to support the agrarian reform program;
- e) Acquire, administer, distribute, and develop agricultural lands for agrarian reform purposes;
- f) Undertake surveys of lands covered by agrarian reform;
- g) Issue emancipation patents to farmers and farmworkers covered by agrarian reform for both private and public lands and when necessary make administrative corrections of the same;
- h) Provide free legal services to agrarian reform beneficiaries and resolve agrarian conflicts and land-tenure related problems as may be provided for by law;
- i) Promote the organization and development of cooperatives and other associations of agrarian reform beneficiaries;
- j) Conduct continuing education and promotion programs on agrarian reform for beneficiaries, land-owners, government personnel, and the general public;
- k) Institutionalize the participation of farmers, farmworkers, other beneficiaries, and agrarian reform advocates in agrarian reform policy formulation, program implementation, and evaluation;
- l) Have exclusive authority to approve or disapprove conversion of agricultural lands for residential, commercial, industrial, and other land uses as may be provided for by law;

- m) Call upon any government agency, including the Armed Forces of the Philippines, and non-governmental organizations (NGOs) to extend full support and cooperation to program implementation;
- n) Exercise such other powers and functions as may be provided for by law or directed by the President, to promote efficiency and effectiveness in the delivery of public services.

SECTION 6. *Structural Organization.* — The Department shall consist of the Department Proper, the staff offices, the staff bureaus and the regional/provincial/municipal agrarian reform offices.

The Department Proper shall consist of the following:

- a) Office of the Secretary;
- b) Offices of the Undersecretaries;
- c) Offices of the Assistant Secretaries;
- d) Public Affairs Staff;
- e) Special Concerns Staff;
- f) Agrarian Reform Adjudication Board.

The staff sectoral bureaus, on the other hand, shall be composed of:

- a) Bureau of Land Acquisition and Distribution;
- b) Bureau of Land Development;
- c) Bureau of Agrarian Legal Assistance;
- d) Bureau of Agrarian Reform Information and Education;
- e) Bureau of Agrarian Reform Beneficiaries Development.

The field offices shall consist of the Department regional offices, the provincial offices and the municipal agrarian reform office.

SECTION 7. *Secretary of Agrarian Reform.* — The authority and responsibility for the exercise of the mandate of the Department and the discharge of its powers and functions shall be vested in the Secretary of Agrarian Reform,

hereinafter referred to as Secretary, who shall have supervision and control over the Department and shall be appointed by the President.

SECTION 8. *Office of the Secretary.* — The Office of the Secretary shall consist of the Secretary, his immediate staff, the Public Affairs Staff and the Special Concerns Staff.

SECTION 9. *Undersecretary.* — The Secretary shall be assisted by four (4) Undersecretaries who shall be appointed by the President upon the recommendation of the Secretary. The Secretary is hereby authorized to delineate, assign and/or reassign the respective functional areas of responsibility of the Undersecretaries, *provided*, That such responsibility shall be with respect to the mandate and objectives of the Department; and *provided, Further*, that no Undersecretary shall be assigned primarily administrative responsibilities.

SECTION 10. *Assistant Secretary.* — The Secretary and the Undersecretaries shall also be assisted by seven (7) Assistant Secretaries, who shall be appointed by the President upon the recommendation of the Secretary. The Secretary is hereby authorized to delineate, assign and/or reassign the respective functional areas of responsibility of the Assistant Secretaries, provided, That such responsibility shall be with respect to the mandate and objectives of the Department.

SECTION 11. *Public Affairs Staff.* — There is hereby created a Public Affairs Staff, under the office of the Secretary, to be headed by a Director and assisted by an Assistant Director, which shall serve as the public information arm of the Department. It shall be responsible for disseminating information and agrarian reform policies, plans, programs and projects; and respond to public queries related to the implementation of the agrarian reform program.

SECTION 12. *Special Concerns Staff.* — There is hereby created a Special Concerns Staff under the Office of the Secretary, to be headed by a Director and assisted by an Assistant Director, which shall be responsible for handling priority areas/subjects identified by the Secretary that necessitate special and immediate attention.

SECTION 13. *Agrarian Reform Adjudication Board.* — There is hereby created an Agrarian Reform Adjudication Board under the Office of the Secretary. The Board shall be composed of the Secretary as Chairman, two (2) Undersecretaries as may be designated by the Secretary, the Assistant Secretary for Legal Affairs, and three (3) others to be appointed by the President upon the recommendation of the Secretary as members. A Secretariat shall be constituted to support the Board. The Board shall assume the powers and functions with respect to the adjudication of agrarian reform cases under Executive Order No. 229 and this Executive Order. These powers and functions may be delegated to the regional offices of the Department in accordance with rules and regulations to be promulgated by the Board.

SECTION 14. *Planning and Project Management Office.* — There is hereby created a Planning and Project Management Office within the Department Proper which shall be responsible for coordinating and initiating the development, integration and prioritization of plans, programs and projects of the Department; monitoring and evaluating agrarian reform program implementation; establishing linkages with foreign funding institutions; and coordinating the activities of the different Offices, Bureaus and Attached Agencies of the Department.

SECTION 15. *Policy and Strategic Research Office.* — There is hereby created a Policy and Strategic Research Office within the Department Proper which shall be responsible for establishing and implementing a computerized management information system as well as for coordinating and/or initiating research and studies for planning and policy formulation purposes.

SECTION 16. *Finance, Management and Administrative Office.* — There is hereby created a Finance, Management and Administrative Office within the Department Proper which shall be responsible for the proper and timely allocation of funds to support approved programs, projects and activities; the appropriate management control and accounting of funds; the management of the Department's physical assets; and the provision of services to ensure effective and efficient personnel management and manpower career development, and for the establishment of management systems and procedures.

SECTION 17. *Field Operations Office.* — There are hereby created Field Operations Offices for Luzon, Visayas and Mindanao within the Department Proper which shall monitor and assess the implementation of the Department's policies, plans and programs at the regional, provincial and municipal levels.

SECTION 18. *Legal Affairs Office.* — There is hereby created a Legal Affairs Office within the Department Proper which shall be responsible for the review of contracts and other legal matters, the rendition of legal assistance to Department personnel and those who will be affected by the agrarian reform program.

SECTION 19. *Bureau of Land Acquisition and Distribution.* — There is hereby created the Bureau of Land Acquisition and Distribution which shall absorb the relevant functions of the Bureaus of Land Acquisition, Distribution and Development, and of Land Tenure Improvement. The Bureau of Land Acquisition and Distribution, to be headed by a Director and assisted by an Assistant Director, shall be responsible for the development of policies, plans, programs, standard operating procedures, and for providing technical assistance, relative to the acquisition and distribution of private agricultural lands covered by the agrarian reform program, including land tiller-landowner identification, land valuation, and landowners compensation, transfer of ownership to actual tillers, leasehold arrangements, stewardship, and land transfer actions.

SECTION 20. *Bureau of Land Development.* — There is hereby created the Bureau of Land Development which shall absorb the relevant functions of the Bureau of Land Acquisition, Distribution and Development. The Bureau of Land Development, to be headed by a Director and assisted by an Assistant Director, shall be responsible for the development of policies, plans and programs, and for providing technical assistance, relative to land surveys, land use, capability and classification, engineering services, and land consolidation.

SECTION 21. *Bureau of Agrarian Legal Assistance.* — The Bureau of Agrarian Legal Assistance shall be strengthened and shall be responsible for developing guidelines, plans and programs for legal assistance including developing, maintaining and coordinating para-legal services for those who will be affected by the Comprehensive Agrarian Reform Program. It shall be headed by a Director and assisted by an Assistant Director.

SECTION 22. *Bureau of Agrarian Reform Information and Education.* — There is hereby created the Bureau of Agrarian Reform Information and Education which shall absorb the functions of the Agrarian Reform Education Service which is abolished by this Executive Order. The Bureau of Agrarian Reform Information and Education, to be headed by a Director and assisted by an Assistant Director, shall be responsible for developing and conducting continuing training and education programs for the acquisition of knowledge, value formation, and development of skills and favorable attitudes among beneficiaries and personnel of the Department and other agencies, and the increase of awareness, participation and acceptance of agrarian reform by the public through the dissemination of information and communication materials.

SECTION 23. *Bureau of Agrarian Reform Beneficiaries Development.* — There is hereby created the Bureau of Agrarian Reform Beneficiaries Development which shall absorb the relevant functions of the Bureau of Resettlement. The Bureau of Agrarian Reform Beneficiaries Development, to be headed by a Director and assisted by an Assistant Director, shall be responsible for the development of policies, plans and programs, and for providing technical assistance, relative to the development of settlement areas into viable agrarian communities. It shall also be responsible for promoting the organization of agrarian reform beneficiaries, liaison with farmer and farm workers organizations to ensure the raising of farm incomes, the promotion of all forms of farm cooperation, the achievement of a dignified existence and the creation of a viable economic structure conducive to greater productivity and higher farm income.

SECTION 24. *Regional Offices* The Department shall have twelve (12) *Regional Offices.* — Each Regional Office shall be headed by a Regional Director who shall be assisted by an Assistant Regional Director for operations and an Assistant Regional Director for Administration.

The Regional Offices shall be responsible for the implementation of laws, policies, plans, programs, projects, rules and regulations of the Department in its administrative region. For such purpose, it shall have the following functions:

- a) Prepare and submit plans and programs for the region on:
 - 1) Land acquisition and distribution;
 - 2) Information and education;
 - 3) Land use management and land development;
 - 4) Agrarian reform beneficiaries development;
- b) Provide technical assistance to Provincial Offices and Municipal Agrarian Reform Offices in the implementation of approved plans and programs;
- c) Conduct operations research and evaluation of agrarian reform implementation within the region;
- d) Coordinate with other government and private agencies and farmer and farm workers organizations at the regional level, to carry out the programs/projects for the general welfare of agrarian reform beneficiaries;
- e) Maintain an information system in coordination with the established monitoring systems;
- f) Review and evaluate reports and other documents submitted by the Provincial Offices and Municipal Agrarian Reform Offices and agrarian reform clientele;
- g) Submit periodic feedback as may be necessary in the service of the Department's clientele.

SECTION 25. *Provincial Offices.* — The Agrarian Reform District Offices are hereby abolished and in their stead the Department shall create Provincial Agrarian Reform Offices as may be necessary in promoting efficiency and effectiveness in the delivery of its services. Each Provincial Agrarian Reform Office shall be headed by a Provincial Agrarian Reform Officer.

The Provincial Agrarian Reform Offices shall be responsible for directing and coordinating the operations and activities of the Municipal Agrarian Reform Offices operating within the province and has the following functions:

a) Set priorities, specific targets, schedules, and deadlines for the execution of approved plans, programs, and projects on:

- 1) Land acquisition, distribution, transfer of land ownership to actual tillers, including land-tiller-landowner identification, tenurial security, leasehold arrangements, land surveys, land valuation and landowner's compensation as may be provided for by law;
- 2) Continuing information and education programs on agrarian reform;
- 3) Encouraging the organizational development of agrarian reform beneficiaries cooperatives and other associations and institutionalizing farmer-government partnership in agrarian reform policy formulation, program implementation, and evaluation;
- 4) Landowners' compensation and rechanneling landowner capital to industrial development;
- 5) Development and implementation of alternative land tenure systems such as cooperative farming, cooperative cultivatorship schemes, and agro-industrial estates, among others;
- 6) Land use management;
- 7) Compact farming, integrated farming system, sloping agricultural land technology, and other land conservation measures in agrarian reform areas, in coordination with farmer and farm workers organizations;
- 8) Provision of legal services to those affected by agrarian reform and resolution of agrarian conflicts and land tenure problems;

b) Provide administrative services to the Municipal Agrarian Reform Offices within the province;

c) Provide legal services to agrarian reform beneficiaries in cases arising from or connected with agrarian reform disputes, handling of expropriation proceedings, registering cooperatives and reviewing and acting on all matters initially investigated and elevated by Municipal Agrarian Reform Office;

d) Provide technical assistance to Municipal Agrarian Reform Offices in the implementation of approved plans and programs;

e) Coordinate with governmental, private agencies, and farmer and farm worker organizations at the provincial level, to carry out programs;

- f) Conduct periodic performance audit survey in collaboration with the regional office and monitor agrarian reform program accomplishments, including operational problems and constraints, and recommend appropriate remedial measures for effective program implementation;
- g) Perform such other functions as may be necessary in the service of the Department's clientele;

SECTION 26. *Municipal Agrarian Reform Offices.* — The Department shall have as many Municipal Agrarian Reform Offices as may be necessary in promoting efficiency and effectiveness in the delivery of its services, which shall be headed by a Municipal Agrarian Reform Officer.

The Municipal Agrarian Reform Office shall be responsible for directly implementing agrarian reform programs and delivering expected results at the municipal level. For such purpose, it shall have the following functions:

- a) Implement policies and programs on land acquisition and distribution and transfer of landowners to actual tillers, including identification of farms, landowners, and beneficiaries, leasehold arrangements, land valuation, landowner's compensation and transfer actions as determined in accordance with law;
- b) Undertake continuing information and education programs on agrarian reform among the beneficiaries thereof;
- c) Encourage and promote the organization and development of agrarian reform beneficiaries and assist in the registration of organized cooperatives;
- d) Institutionalize beneficiaries' participation in agrarian reform policy formulation and program implementation;
- e) Organize/establish compact farms, land consolidation, integrated farm system, sloping agricultural land technology and other cooperative-cultivatorship schemes;
- f) Provide assistance in agrarian reform research;
- g) Provide assistance to various legal services, including legal information and legal counselling, documentation and preliminary processing of applications for patents and applications to purchase lots, preliminary investigation of conflicting claims of lot boundaries and appraisal of properties, and mediation of different problems arising from implementation of the agrarian reform program; execution and registration of lease contracts, initial investigation of administrative cases, and other legal services;

- h) Provide assistance on project identification, formulation, and development that would uplift the socio-economic status of the beneficiaries including projects that would channel landlord capital to industrial development;
- i) Cooperative with other government and private agencies and farmer and farm worker organizations within the area of coverage for effective program/project implementation;
- j) Submit periodic reports on program/projects accomplishments including identified problems and recommended solutions thereto;
- k) Implement projects supportive of national priority programs which the Department is committed to assist;
- l) Perform such other functions as may be assigned from time to time, to promote efficiency and effectiveness in the delivery of public services.

SECTION 27. *Attached Agency.* —

- a) The Department shall, subject to the approval of the Presidential Agrarian Reform Council, create the Foundation for the Agrarian Reform Movement of the Philippines (FARM-Philippines) to administer, operate, and manage programs and projects developed by the Department and initiate alternative livelihood projects for displaced small landowners. It shall be attached to the office of the Secretary and shall be governed by a Board of Trustees. The Foundation will be authorized to raise funds and to contract foreign and domestic loans for its projects.

SECTION 28. *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, chosen 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. Those personnel from the transferred unit whose positions are not included in the Department's new position structure and staffing pattern approved and prescribed by the Secretary 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 29 hereof.

b) The transfer of functions which results in the abolition of the government unit that exercised them shall include the appropriations, funds, records, equipment, facilities, chosen 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 Secretary shall determine or shall otherwise be disposed in accordance with the Government Auditing Code and other pertinent laws, rules and regulations. Its liabilities, if any, shall likewise be treated 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 their corresponding salaries and benefits. Its personnel whose positions are not included in the Department's structure and staffing pattern approved and prescribed by the Secretary under Section 29 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 29.

c) Any 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, chosen in action, rights, and 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 duties and responsibilities and receive their corresponding salaries and benefits unless in the meantime they are separated from the service. Any personnel, whose positions are not included in the Department's new position structure and staffing pattern approved and prescribed by the Secretary under Section 29 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 29.

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 entity shall revert to the General Fund, while the records, equipment, facilities, chosen in action, rights, and other assets thereof shall be allocated to such appropriate entities as the Secretary 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 units shall be treated in accordance with the Government Auditing Code and other pertinent laws, rules and regulations, while the personnel thereof, whose position, is not included in the Department's new position structure and staffing pattern approved and prescribed by the Secretary under Section 29 hereof or who has 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 29.

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, chosen in action, rights, other assets, liabilities, if any, and personnel, as may be necessary, of the units that compose the merged unit shall in a hold-over capacity, continue to perform their respective duties and responsibilities and receive their corresponding salaries and benefits unless in the meantime they are separated from the service. Any such personnel, whose positions are not included in the Department's new position structure and staffing pattern approved and prescribed by the Secretary under Section 29 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 29.

f) In case of termination of a function which does not result in the abolition of the government unit which 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, chosen in action, rights and other assets used in connection with the discharge of such function shall be allocated to the appropriate units as the Department 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, that 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 Department's new position structure and staffing pattern approved and prescribed by the Secretary under Section 29 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 29 hereof.

SECTION 29. *New, Structure and Pattern.* — Upon approval of this Executive Order, the officers and employees of the Department 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.

The new position structure and staffing pattern of the Department shall be approved and prescribed by the Secretary within sixty (60) days from the effectivity 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. 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 be entitled under existing laws, rules and regulations. Otherwise, they shall be paid the equivalent of one (1) month basic salary for every year of service in the government, or a fraction thereof, computed on the basis of the highest salary received, but in no case shall such payment exceed the equivalent of twelve (12) months salary.

SECTION 30. *Periodic Performance Evaluation.* — The Department of Agrarian Reform is hereby required to formulate and enforce a system of measuring and evaluating periodically and objectively the performance of the Department and submit the same annually to the President.

SECTION 31. *Notice or 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 is 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.

SECTION 32. *Prohibition Against Structural Changes.* — 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.

SECTION 33. *Funding.* — Funds needed to carry out the provisions of this Executive Order shall be taken from funds available in the Department.

SECTION 34. *Implementing Authority of the Secretary.* — The Secretary shall issue orders, rules and regulations and other issuances as may be necessary to ensure the effective implementation of the provisions of this Executive Order.

SECTION 35. *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.

SECTION 36. *Repealing Clause.* — All laws, ordinances, rules and regulations and other issuances or parts thereof, which are inconsistent with this Executive Order, are hereby repealed or modified accordingly.

SECTION 37. *Effectivity.* — This Executive Order shall take effect immediately.

APPROVED in the City of Manila, Philippines, this 26th day of July, in the Year of Our Lord, Nineteen Hundred and Eighty-Seven.

* *Copied verbatim from documents obtained directly from the Malacañang Records (missing letter "j" on Sec. 4).*