



HOUSE OF REPRESENTATIVES

H. No. 6135

BY REPRESENTATIVES MENDOZA (M.), GARIN (S.), TAN (A.),
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GUANLAO, ENVERGA, MACROHON-NUÑO, KHONGHUN, MENDOZA (J.),
DEL ROSARIO (A.G.), ESCUDERO, LEE, BAGULAT, UNGAB, ACEDILLO,
ALEJANO, TEJADA AND PIAMONTE, PER COMMITTEE REPORT NO. 875

AN ACT ESTABLISHING THE COCONUT FARMERS AND INDUSTRY
TRUST FUND AND PROVIDING FOR ITS MANAGEMENT AND
UTILIZATION

*Be it enacted by the Senate and House of Representatives of the Philippines in
Congress assembled:*

1 SECTION 1. *Short Title.* – This Act shall be known as the “Coconut
2 Farmers and Industry Development Act”.

3 SEC. 2. *Declaration of Policy.* – It is hereby declared the policy of the
4 State to attain the balanced, equitable, integrated and sustainable growth and
5 development of the coconut industry. Towards this end, the benefits due to
6 coconut farmers, especially the poor and the marginalized, under various
7 statutes shall be consolidated and their delivery expedited.

CHAPTER I

DEFINITION OF TERMS

SEC. 3. *Definition of Terms.* ~ As used in this Act:

(a) *Coconut Industry Investment Fund (CIIF)* refers to the Fund created pursuant to Presidential Decree No. 1468, which authorized the United Coconut Planters Bank (UCPB) to utilize the surplus funds from the Coconut Consumers Stabilization Fund (CCSF) and the Coconut Industry Development Fund (CIDF) for investments in the form of shares of stock in corporations organized for the purpose of engaging in the establishment and operation of industries, commercial activities and other allied business undertakings relating to the coconut and other palm oils industry in all its aspects and the establishment of a research into the commercial and industrial uses of coconut and other palm oil industry;

(b) *CIIF Holding Companies* refer to the fourteen (14) holding companies, namely: (1) Anglo Ventures Corporation; (2) ACS Investors, Incorporated; (3) Arc Investors, Incorporated; (4) AP Holdings, Incorporated; (5) Fernandez Holdings, Incorporated; (6) First Meridian Development, Incorporated; (7) Randy Allied Ventures, Incorporated; (8) Rock Steel Resources, Incorporated; (9) Roxas Shares, Incorporated; (10) San Miguel Officers Corporation, Incorporated; (11) Soriano Shares, Incorporated; (12) Te Deum Resources, Incorporated; (13) Toda Holdings, Incorporated; and (14) Valhalla Properties Limited, Incorporated, created by the CIIF Oil Mills Group to acquire, hold and manage the shares of stocks of San Miguel Corporation (SMC);

(c) *CIIF Oil Mills Group* refers to the six (6) CIIF companies, namely: (1) Southern Luzon Coconut Oil Mills; (2) Cagayan de Oro Oil Company, Incorporated; (3) Iligan Coconut Industries, Incorporated; (4) San Pablo

1 Manufacturing Corporation; (5) Granexport Manufacturing Corporation; and
2 (6) *Legaspi Oil Company, Incorporated*, acquired by the UCPB using the CIIF;

3 (d) *CIIF SMC Block Shares* refer to the thirty-three million, one
4 hundred thirty-three thousand and two hundred sixty-six (33,133,266) shares of
5 stock in SMC, sequestered by the Presidential Commission on Good
6 Government (PCGG) in April 1986 representing thirty-one percent (31%) of
7 the total outstanding capital stock of SMC;

8 (e) *Converted SMC Series I Preferred Shares* refer to that portion of
9 the CIIF SMC Block Shares covering seven hundred fifty-three million, eight
10 hundred forty-eight thousand and three hundred twelve (753,848,312)
11 preferred shares of stock in SMC representing twenty-four percent (24%) of
12 the outstanding capital stock of SMC;

13 (f) *Coconut farmer* refers to:

14 (1) Farmer-owner of a coconut farm, which is not more than five (5)
15 hectares, who:

16 (i) Tills the land (owner-cultivator); or

17 (ii) Does not till the land, but has control and supervision over the
18 cultivation of a farm which is not more than five (5) hectares; and

19 (2) A non-owner of the coconut farm who is either a:

20 (i) Leaseholder or tenant who tills or supervises the cultivation of the
21 farm; or

22 (ii) Farm worker or laborer, whether seasonal or itinerant, engaged in
23 the harvesting of the nuts and processing of copra as major means of
24 livelihood.

25 (g) *Coconut Levy Assets* refer to any and all kinds of property, whether
26 real or personal, tangible or intangible, wherever situated, which have been
27 acquired through or otherwise funded by the Coconut Levy Funds, including
28 those assets that may be recovered in favor of the Government, as well as the

1 fruits or income derived therefrom, including those acquired in exchange or
2 substitution thereof, including the following:

3 (1) The shares of stock in the UCPB determined to be owned by the
4 Government;

5 (2) The CIIF Oil Mills Group;

6 (3) The CIIF Holding Companies; and

7 (4) The Converted SMC Series 1 Preferred Shares.

8 (h) *Coconut Levy Funds* refer to various funds generated from levies,
9 taxes, charges, and other fees exacted or imposed pursuant to or in connection
10 with the sale of *copra rececada* or its equivalent in other coconut products, and
11 collected for the most part from coconut farmers, planters, millers, refiners,
12 processors, exporters, desiccators and other end users of *copra rececada* or its
13 equivalent in other coconut products. These shall refer to any and all of the
14 following:

15 (1) The Coconut Investment Fund created under Republic Act No.
16 6260;

17 (2) The Coconut Consumers Stabilization Fund, later renamed as the
18 Coconut Industry Stabilization Fund, created under Presidential Decree No.
19 276;

20 (3) The Coconut Industry Development Fund created under
21 Presidential Decree No. 582;

22 (4) The Coconut Industry Investment Fund created pursuant to
23 Presidential Decree No. 1468; and

24 (5) The Coconut Reserve Fund under Presidential Decree No. 1468
25 and Presidential Decree No. 1842.

26 (i) *Investment guidelines* refer to the investment management
27 guidelines, rules, procedures, and policies to be formulated by the Coconut
28 Farmers and Industry Trust Fund Committee created under Section 11 of this

1 Act, and as may be amended from time to time, which shall provide the
2 parameters for investments of the Trust Income or any portion thereof, and
3 shall include, among others, asset allocation, criteria for selection of fund
4 managers, required income from the fund, and other investment management
5 threshold requirements.

6 (j) *Trust Income* refers to the income, interest earnings, and other
7 monetary benefits, realized by and accruing to the Trust Fund or any portion
8 thereof.

9 (k) *Trust Principal* refers to:

10 (1) The initial Trust Principal composed of dividends declared, paid, or
11 issued on the Converted SMC Series 1 Preferred Shares; the proceeds from the
12 redemption of the Converted SMC 1 Preferred Shares; all income or interest
13 derived therefrom as of the effectivity of this Act; any other cash Coconut
14 Levy Asset deposited in the Bureau of the Treasury (BTr) and the UCPB as
15 administrator of the CIIF; and any other cash Coconut Levy Asset including
16 amounts deposited in the UCPB as Administrator of the CIIF;

17 (2) Any and all proceeds of privatization of the Coconut Levy Assets
18 remitted thereto by the Privatization and Management Office (PMO),
19 organized under Article III of Executive Order No. 323 (Series of 2001); and

20 (3) Proceeds of privatization of any or all properties or assets conveyed
21 by any person, group or entity to the Committee, from time to time, as
22 provided in Section 8 hereof.

23 CHAPTER II

24 AUDIT AND RECONVEYANCE OF COCONUT LEVY ASSETS

25 SEC. 4. *Audit and Inventory of Coconut Levy Assets.* – Upon the
26 effectivity of this Act, the PCGG, created under Executive Order No. 1 (Series
27 of 1986), shall conduct a complete accounting and inventory of the Coconut
28 Levy Assets as well as the investments, disbursements, and expenditures

1 relating to the coconut levy fund and submit a certified report to the BTr, the
2 Commission on Audit (COA) and the Office of the President (OP).

3 The COA shall audit the inventory of Coconut Levy Assets prepared
4 and submitted by the PCGG for the purpose of, among others, determining
5 completeness of the inventory, establishing the reasonableness of the asset
6 valuation and tracing of the flow of the coconut levy fund. The COA shall
7 submit to the Coconut Farmers and Industry Trust Fund Committee created
8 under Section 11 hereof its initial audit report within one hundred twenty (120)
9 days upon completion of the audit. However, further audit may be undertaken
10 after the initial audit, as necessary.

11 The Committee shall, within fifteen (15) days from its receipt of the
12 audit report, publish the same in at least two (2) newspapers of national
13 circulation.

14 Nothing herein shall be construed as preventing the PMO, created under
15 Article III of Executive Order No. 323 (Series of 2001), from procuring a
16 third-party appraisal of any of the Coconut Levy Assets prior to or in the
17 course of preparing the privatization or disposition plans for the said assets.

18 SEC. 5. *Reconveyance of Coconut Levy Assets.* – Immediately upon
19 the effectivity of this Act, the PCGG, the government representatives to the
20 boards of sequestered/surrendered corporations, and any government agency or
21 person in possession, custody, control or administering any Coconut Levy
22 Asset shall perform or cause the performance of the following:

23 (a) Reconveyance of the title of such asset to the Republic of the
24 Philippines;

25 (b) Delivery of all stock certificates and other evidence of ownership to
26 the BTr for safekeeping; and

27 (c) Deposit all cash assets in the Trust Fund.

1 Any provision of law to the contrary notwithstanding, the BTr and the
2 UCPB shall directly remit the initial Trust Principal to the Trust Fund.

3 The COA shall conduct an audit to determine compliance with pertinent
4 laws, rules and regulations on reconveyance of the Coconut Levy Assets to the
5 Republic of the Philippines.

6 CHAPTER III

7 COCONUT FARMERS AND INDUSTRY TRUST FUND

8 SEC. 6. *The Coconut Farmers and Industry Trust Fund.* – There is
9 hereby created a trust fund to be known as the Coconut Farmers and Industry
10 Trust Fund, hereinafter referred to as the Trust Fund, which shall consist of the
11 Trust Principal and the Trust Income. No portion of the Trust Fund shall
12 accrue to the general fund of the National Government. It shall be capitalized,
13 managed, utilized and accounted for in the manner provided in this Act.
14 Nothing in this Act shall be understood to prevent or prohibit any person,
15 group or entity from conveying to the Committee other properties and/or
16 additional assets either for the use of the coconut industry, or for purposes of
17 privatization, in which case, the proceeds of such privatization shall form part
18 of the Trust Fund.

19 SEC. 7. *Purpose of the Trust Fund.* – The Trust Fund shall be used
20 exclusively for the ultimate benefit of coconut farmers and farm workers as
21 embodied in the Coconut Farmers and Industry Development Plan prepared
22 pursuant to Section 20 hereof.

23 SEC. 8. *Capitalization of the Trust Fund.* – All assets and/or properties
24 derived from all coco levy recovered assets; and all dividends, interest earnings
25 and incomes that are available upon the effectivity of this Act shall form part
26 of the initial capital of the Trust Fund. The Trust Fund shall thereafter be
27 augmented with all proceeds of privatization/disposition of the Coconut Levy
28 Assets remitted directly thereto by the PMO in accordance with this Act,

1 including any and all forms of income, interests, earnings, yields, or any
2 monetary benefit derived therefrom prior to the privatization/disposition of
3 these Coconut Levy Assets.

4 In order to ensure the enduring character of the Trust Fund, the
5 Principal thereof shall be augmented by grants, donations and other lawful
6 transfers by public or private entities. At the end of the year, all unspent
7 portion of the Trust Income for the year shall accrue to the Trust Principal.

8 SEC. 9. *Management and Utilization of the Trust Fund.* – The Trust
9 Fund shall be available and may be utilized only for the purpose for which it
10 was created and upon authorization of the Committee, subject to the following
11 conditions:

12 (a) The Trust Principal shall be preserved and maintained at all times
13 and only the Trust Income may be used.

14 (b) The Trust Income shall be disbursed only on the basis of the
15 funding requirement of the program, activity or project;

16 (c) The Trust Fund may also be disbursed to pay for the expenses of
17 the Committee for the administration, monitoring, evaluation, information
18 services, and other necessary activities for the effective performance of its
19 functions under this Act; and

20 (d) No part of the Trust Fund shall be utilized for the payment of
21 salaries and other personnel benefits.

22 All releases from the Trust Fund approved by the Committee shall be
23 released directly to the implementing agencies: *Provided*, That coconut
24 productivity and developmental programs and projects shall be implemented
25 by the Philippine Coconut Authority (PCA) created under Presidential Decree
26 No. 232 (Series of 1973), as amended by Presidential Decree No. 1468 (Series
27 of 1978).

1 SEC. 10. *Designation of the Bureau of the Treasury as Depository of*
2 *the Trust Fund.* – The Trust Fund shall be deposited in the BTr. The BTr
3 shall account for the Trust Fund in the manner provided by the Committee and
4 shall perform such duties as may be determined by the Committee.

5 CHAPTER IV

6 COCONUT FARMERS AND INDUSTRY TRUST FUND COMMITTEE

7 SEC. 11. *Creation of the Coconut Farmers and Industry Trust Fund*
8 *Committee.* – The Coconut Farmers and Industry Trust Fund Committee,
9 hereinafter referred to as the Committee, is hereby created under the Office of
10 the President.

11 The Committee shall have the following powers and functions:

12 (a) Coordinate and monitor the implementation of the Coconut Farmers
13 and Industry Development Plan;

14 (b) Approve any allowable disbursement out of the Trust Fund;

15 (c) Formulate the Investment Guidelines including the Prohibited
16 Investments;

17 (d) Appoint a fund manager, if necessary, to handle the investment of
18 the Trust Principal;

19 (e) Identify the Coconut Levy Assets that will be privatized, retained,
20 or abolished and submit its recommendation to the President;

21 (f) Approve the marketing and disposition program for the Coconut
22 Levy Assets approved for privatization;

23 (g) Authorize the sale and other mode of privatization of Coconut Levy
24 Assets approved for privatization;

25 (h) Authorize the rehabilitation of Coconut Levy Assets approved for
26 privatization pending actual disposition;

27 (i) Facilitate access by coconut farmers and their organizations from
28 the most poverty afflicted areas of the country to the services, programs and

1 benefits implemented pursuant to the Coconut Farmers and Industry
2 Development Plan. For purposes of this Act, those already accredited farmers
3 organizations need not go through another accreditation process;

4 (j) Submit to the President reports and recommendations in connection
5 with its functions under this Act; and

6 (k) Exercise such other incidental powers and functions as may be
7 necessary to attain the objectives of this Act.

8 SEC. 12. *Composition.* -- The Committee shall be composed of the
9 following:

10 (a) Seven (7) representatives from the government who shall be serving
11 in *ex officio* capacity:

12 (1) The Secretary of the Department of Agriculture (DA) as
13 Chairperson;

14 (2) The Secretary of the Department of Finance (DOF) as Vice
15 Chairperson;

16 (3) The Secretary of the Department of the Interior and Local
17 Government (DILG);

18 (4) The Secretary of the Department of Trade and Industry (DTI);

19 (5) The Secretary of the National Anti-Poverty Commission (NAPC);

20 (6) The Director-General of the National Economic and Development
21 Authority (NEDA); and

22 (7) The Administrator of the PCA.

23 (b) Six (6) representatives from the coconut farmers' organizations who
24 have considerable experience and reputable track records, allocated as follows:

25 (1) Two (2) representatives from Luzon;

26 (2) Two (2) representatives from Visayas; and

27 (3) Two (2) representatives from Mindanao.

1 Within thirty (30) days following the effectivity of this Act, the PCA
2 shall promulgate a selection process of nominees as representatives of the
3 coconut farmers' organizations in the Committee. The nominees of the coconut
4 farmers' organizations shall be validated and shortlisted by the PCA, in
5 consultation with the NAPC. The list of nominees shall be submitted to the
6 President not later than sixty (60) days from the start of the selection process.

7 The government representatives in the Committee shall serve only
8 during their respective terms in office, while the six (6) representatives from
9 coconut farmers' organizations shall each hold a term of one (1) year, unless
10 sooner removed for cause. Any of the representatives shall continue to hold
11 office until their successor is appointed: *Provided*, That any appointment to fill
12 a vacancy in the Committee shall be only for the unexpired term.

13 SEC. 13. *Ex Officio Alternates.* – The *ex officio* members of the
14 Committee may designate their respective alternates who shall be the officials
15 next-in-rank to them and their acts shall be considered the acts of their
16 principals.

17 SEC. 14. *Meetings of the Committee.* – The Committee shall meet at
18 least once a month, or as often as deemed necessary and expedient to discharge
19 its responsibilities. The presence of at least a majority of the members of the
20 Committee shall constitute a quorum, and the concurrence of a majority of the
21 members present at a meeting at which a quorum exists shall be adequate for
22 any decision by the Committee: *Provided*, That the approval of at least a
23 majority of the members of the Committee shall be required on matters
24 involving the following:

25 (a) Any disbursement of funds involving more than fifty million pesos
26 (P50,000,000.00);

27 (b) Any proposed investment involving more than one hundred million
28 pesos (P100,000,000.00); and

1 (c) Any disposition or privatization proposal involving more than five
2 hundred million pesos (P500,000,000.00).

3 The Chairperson, if unavailable, may designate the Vice Chairperson to
4 convene the Committee and preside over the Committee's meeting on behalf of
5 the Chairperson.

6 SEC. 15. *Obligations of the Members of the Committee.* – The
7 members of the Committee shall act with due care, diligence, skill, and good
8 faith in all its dealings with the Trust Fund and the Coconut Levy Assets. They
9 shall avoid conflicts of interest and declare before the Committee any interest
10 they may have in any particular matter.

11 Where a member of the Committee receives any profit or benefit by
12 virtue of the office, including acquiring shares in corporations that form part of
13 the Coconut Levy Assets, using the Coconut Levy Assets for one's benefit,
14 receiving commission on contracts from the Coconut Levy Assets, or taking
15 advantage of corporate opportunities involving the Coconut Levy Assets, all
16 such profits or benefits shall be returned to the Trust Fund without prejudice to
17 any administrative, civil or criminal action against such member. This
18 provision shall be applicable notwithstanding the fact that such member of the
19 Committee used one's own funds in the venture.

20 SEC. 16. *Executive Director of the Committee.* – The President, upon
21 recommendation of the Committee, shall appoint an Executive Director who
22 shall exercise the following powers and functions:

23 (a) Administer the programs approved or promulgated by the
24 Committee;

25 (b) Direct and supervise officials, employees, representatives and
26 agents for the Committee;

1 (c) Prepare an annual report on the activities of the Committee at the
2 close of each fiscal year and to submit a copy thereof to the President and
3 Congress;

4 (d) Keep and maintain official records and reports of the proceedings
5 of the Committee;

6 (e) Administer oaths in all matters falling within the jurisdiction of the
7 Committee; and

8 (f) Exercise such other duties as may be vested by the Committee that
9 are consistent with the provisions of this Act.

10 The PCA shall provide Secretariat support to the Committee.

11 SEC. 17. *Cooperation with the Committee.* – The Committee may also
12 call upon any department, bureau, office, agency, and instrumentality of the
13 government, including government-owned and -controlled corporations for any
14 assistance it may need in the discharge of its functions and responsibilities.

15 SEC. 18. *Accounting and Auditing.* – The Committee shall maintain
16 records and accounts of all investments, income, receipts, disbursements and
17 other transactions relating to the management, administration and disposition
18 of the Trust Fund. These records and accounts shall be maintained in
19 accordance with existing accounting and auditing laws, rules and regulations.
20 The Trust Fund shall be audited by the COA.

21 SEC. 19. *Legal Counsel.* – The Secretary of Justice shall be the *ex*
22 *officio* counsel of the Committee on legal matters.

23 CHAPTER V

24 COCONUT FARMERS AND INDUSTRY DEVELOPMENT PLAN

25 SEC. 20. *Preparation of the Coconut Farmers and Industry*
26 *Development Plan.* – An *Ad Hoc* Committee is hereby created to be
27 composed of the Secretaries of the DA, the Department of Agrarian Reform
28 (DAR), the DTI, the Department of Science and Technology (DOST), the

1 Department of Energy (DOE), the Department of Public Works and Highways
2 (DPWH), the DILG, the NAPC, the NEDA, and a representative from the
3 farmers' groups. The Administrator of the PCA shall act as the *Ad Hoc*
4 Committee's Chairperson.

5 The *Ad-Hoc* Committee, in consultation with the coconut farmers and
6 representatives of the coconut industry, shall indicate in an integrated coconut
7 industry strategy map the policies for the development and rehabilitation of the
8 coconut industry and shall prepare, every five (5) years, a medium term plan of
9 programs, activities and projects which shall be funded out of the Trust Fund
10 and which shall be known as the Coconut Farmers and Industry Development
11 Plan. The Plan shall be consistent with the Philippine Development Plan and
12 shall be subject to mandatory review every year.

13 In the formulation of the Plan, the *Ad-Hoc* Committee shall be guided
14 by the following objectives:

15 (a) The increase in the income of coconut farmers and increase coconut
16 productivity including intercropping and livestock-raising;

17 (b) The promotion of coconut-based enterprises including integrated
18 processing of coconut products and downstream products;

19 (c) The provision of timely and critical support to coconut farmers
20 organization and development; and

21 (d) The establishment of social protection programs that directly
22 benefit coconut farmers and farm workers, in case these social protection
23 programs are not funded by an appropriations law or any other special law, or
24 where funding is insufficient.

25 The Plan shall provide an indicative funding requirement or allocation
26 for the implementation of any and all of the programs and projects to be
27 funded by the Trust Income, which funding or allocation shall be itemized or
28 broken down on a project-to-project basis: *Provided*, That (a) for projects

1 which are recurring, or to be implemented on a regular basis, the allocation
2 shall indicate the annual fund that may be required to implement the project;
3 and (b) for projects that are to be implemented or concluded within a period of
4 time, the allocation shall indicate the total fund that may be required for the
5 implementation of the whole project, itemized according to the phases or
6 stages of the project.

7 Within sixty (60) days from the effectivity of this Act, the Plan shall be
8 submitted by the *Ad Hoc* Committee to the Coconut Farmers and Industry
9 Trust Fund Committee which shall, in turn, submit the Plan to the President for
10 approval. Immediately upon its approval, the Plan shall be returned to the
11 Committee for the disbursement of funds in accordance with the provisions of
12 this Act. Any amendment to the Plan shall require the approval of the
13 President.

14 If the President has any objection or any amendment thereto, the
15 President shall notify the Committee within thirty (30) days from receipt
16 thereof, otherwise the Plan shall be deemed approved.

17 CHAPTER VI

18 PRIVATIZATION OF THE COCONUT LEVY ASSETS

19 SEC. 21. *Privatization of the Coconut Levy Assets.* – The Committee
20 shall determine the Coconut Levy Assets that shall be privatized. For this
21 purpose, the Committee shall be guided by the following factors:

22 (a) The functions or purposes for which the entity was created are no
23 longer relevant to the State or no longer consistent with the national
24 development policy of the State;

25 (b) The functions or purposes of the entity duplicate or unnecessarily
26 overlap with the functions, programs, activities or projects already provided by
27 another agency;

1 (c) The entity is not producing the desired outcomes, or is no longer
2 achieving the objectives for which it was originally designed and implemented;

3 (d) The entity is dormant or nonoperational;

4 (e) The entity is involved in an activity which is best carried out by the
5 private sector; and

6 (f) The function, purpose, or nature of operations of any group of
7 entities requires consolidation under a holding company.

8 The Committee shall submit its recommendation to the President for
9 approval. The Committee shall also arrange for the transfer of the Coconut
10 Levy Assets approved for privatization to the PMO, unless the President, upon
11 the recommendation of the Committee, designates another agency to preserve
12 such Coconut Levy Assets pending privatization.

13 *SEC. 22. Additional Mandate of the Privatization and Management*
14 *Office (PMO).* – In addition to its powers and functions under Executive
15 Order No. 323 dated December 6, 2000, the PMO is authorized to dispose the
16 Coconut Levy Assets that have been approved for privatization.

17 In the discharge of its mandate, the PMO shall:

18 (a) Formulate and implement the marketing and disposition program
19 after securing prior approval of the Committee;

20 (b) Take possession of and preserve such assets on behalf of the
21 National Government;

22 (c) Execute and deliver, on behalf of the National Government, deeds
23 of sale, contracts, trust instruments, and other legally operative documents as
24 may be necessary or appropriate to convey title to, take possession of, and
25 conserve such assets;

26 (d) Engage external expertise as may be necessary in the fulfillment of
27 its tasks under this Act; and

28 (e) Adopt internal rules and regulations.

1 Any and all sales and other modes of privatization or disposition shall
2 not be considered final unless and until approved by the Committee.

3 SEC. 23. *Powers of the Privatization and Management Office (PMO).*

4 -- The PMO is also empowered to enter into sales through public bidding,
5 negotiated sale, lease, or any form of divestment or transmission of rights over
6 the Coconut Levy Assets: *Provided*, That no Coconut Levy Asset shall revert
7 to the previous owners or their nominees or be sold to individuals who, as
8 determined by final judgment of a court of law, have mismanaged or diverted
9 such assets.

10 Prior to the implementation of any privatization plan, the PMO shall
11 exercise the following powers:

12 (a) Require anyone or the subject corporations to adopt and implement
13 cost-reduction measures to enhance the viability, and therefore the
14 disposability of the corporations to potential buyers, including measures
15 requiring personnel retrenchment plans or other forms of corporate
16 downsizing;

17 (b) Direct anyone or all of the subject corporations to submit to the
18 PMO, within fixed timetables, such reports and information as the PMO may
19 require in the exercise of its functions under this Act; and

20 (c) Cause the subject corporations to undergo merger, consolidation,
21 spin-off, or other corporate acts of reformatory nature as it may deem
22 necessary or desirable to expedite the disposition and privatization under this
23 Act.

24 In all such cases, no corporate measure shall be implemented without
25 the approval of the Committee.

26 Nothing herein shall be construed as authorizing the Committee or the
27 PMO to rehabilitate or allow investments of any and all Coconut Levy Assets
28 transferred to the National Government.

1 SEC. 24. *Committee to Determine Transfer Value.* – The Committee
2 is hereby vested with full and complete powers and prerogatives to determine
3 transfer values and related valuations at which the Coconut Levy Assets shall
4 be transferred and conveyed to the PMO pursuant to the mandate of this Act
5 and upon reasonable consultation with a third-party appraiser: *Provided,* That
6 any valuation approved by the Committee for purposes of the transfer to the
7 PMO shall not be deemed a condonation, waiver, or extinguishment of any
8 obligation by any party whose vested rights may be impaired by such transfer.

9 SEC. 25. *Remittance of Proceeds of Privatization.* – All proceeds or
10 receipts from the sale of Coconut Levy Assets shall be remitted to the Trust
11 Fund.

12 SEC. 26. *Reporting Requirements.* – The Committee shall, on a
13 semiannual basis, submit to the President and to Congress a report on the status
14 of disposition of the Coconut Levy Assets, which shall include, among others,
15 a description of the individual assets disposed of, the purchasers thereof, the
16 consideration received therefor, and the agreed terms of payment.

17 The PMO shall, within three (3) months following the closure of books
18 at the end of each fiscal year, submit a comprehensive annual report duly
19 approved or endorsed by the Committee, to the President and Congress on the
20 status of its privatization efforts and its disposition program for the Coconut
21 Levy Assets, which shall include the items described in the immediately
22 preceding paragraph.

23 SEC. 27. *Retention and Dissolution of Coconut Levy Assets.* – The
24 Committee shall identify the Coconut Levy Assets that should be retained by
25 the National Government or reorganized or abolished, guided by the same
26 standards mentioned in Section 21 of this Act. The Committee shall submit its
27 recommendation to the President for approval.

1 Coconut Levy Assets that have been approved for retention shall be
2 transferred to such agency as may be designated by the President.

3 The Governance Commission on Government-Owned or -Controlled
4 Corporations (GCG), created under Republic Act No. 10149, shall implement
5 the dissolution of those Coconut Levy Assets that have been approved for
6 abolition.

7 SEC. 28. *Allowable Investments.* -- The Committee shall manage the
8 Trust Principal with the skill, care, prudence, and diligence necessary under the
9 circumstances that a prudent person acting in like capacity and familiar with
10 such matters would exercise in the conduct of an enterprise of a like character
11 and with similar aims. Pursuant thereto, and in line with the basic principles of
12 safety, growth, and liquidity, the Trust Principal shall only be invested in any
13 or all of the following:

14 (a) Bonds, securities, promissory notes or other evidence of
15 indebtedness of the Government of the Philippines, or in bonds, securities,
16 promissory notes and other evidence of indebtedness to which full faith, credit
17 and unconditional guarantee of the Republic of the Philippines is pledged;

18 (b) Bonds, securities, promissory notes or other evidence of
19 indebtedness of government financial institutions or government corporations
20 with acceptable credit or guarantee: *Provided*, That such investments shall be
21 subject to a ceiling to be fixed by the Committee in the implementing rules and
22 regulations; and

23 (c) Deposits and loans and/or investments in any domestic bank doing
24 business in the Philippines and in good standing with the Bangko Sentral ng
25 Pilipinas: *Provided*, That in case of such deposits, these shall not exceed at any
26 time the unimpaired capital and surplus or total private deposits of the
27 depository bank, whichever is smaller: *Provided, further*, That the bank shall
28 have been first designated as a depository for this purpose by the Monetary

1 Board of the Bangko Sentral ng Pilipinas: *Provided, finally*, That such
2 investments shall be subject to a ceiling to be fixed by the Committee in the
3 implementing rules and regulations.

4 CHAPTER VII

5 FINAL PROVISIONS

6 SEC. 29. *Suppletory on Applicability of Republic Act No. 10149 and*
7 *Executive Order No. 323.* – In the interpretation of the provisions of this Act,
8 the provisions of Republic Act No. 10149, otherwise known as the “GOCC
9 Governance Act of 2011”, and Executive Order No. 323, entitled,
10 “Constituting an Inter-Agency Privatization Council (PC) and Creating a
11 Privatization and Management Office (PMO) under the Department of Finance
12 for the Continuing Privatization of Government Assets and Corporations”,
13 except for Sections 2 and 3 of Article IV of Executive Order No. 323, shall
14 apply suppletorily.

15 SEC. 30. *Implementing Rules and Regulations.* – Within thirty (30)
16 days from the date of the effectivity of this Act, the Committee, in consultation
17 with the PMO, shall formulate and promulgate the rules and regulations for the
18 proper implementation of this Act.

19 SEC. 31. *Congressional Oversight.* – The Congressional Oversight
20 Committee on Agricultural and Fisheries Modernization (COCAFAM) shall
21 exercise oversight functions over the implementation of this Act. The financial
22 review of the program in relation to its performance indicators shall be subject
23 to the oversight functions of the Joint Congressional Oversight Committee on
24 Public Expenditures.

25 SEC. 32. *Separability Clause.* – If any provision of this Act is
26 declared invalid or unconstitutional, the other provisions not affected by such
27 declaration shall remain in full force and effect.

1 SEC. 33. *Repealing Clause.* – All laws, executive and administrative
2 orders, rules and regulations inconsistent with this Act are hereby repealed or
3 amended accordingly.

4 SEC. 34. *Effectivity.* – This Act shall take effect fifteen (15) days after
5 its publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,

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