
**PROPOSED GUIDELINES FOR THE SELECTION AND TENURE OF
PRIVATE SECTOR REPRESENTATIVES TO THE REGIONAL DEVELOPMENT COUNCIL XI
FOR THE TERM 2010-2013**

Executive Order No. 325 (s. 1996) provides for the reorganization and strengthening of the Regional Development Council to make it an effective institution, responsive to the needs of a sustainable, participative and equitable development across the region.

The RDC composition includes the local government officials, regional heads of departments and other government offices and representatives from non-government organizations or the private sector in the region. The latter shall comprise a quarter of the members of the Council.

While EO 325 specifically identifies the government sector composition of the council, it lets the council constitute the non-government or private sector membership using its own criteria. The only limitation imposed upon this discretion is provided by Executive Order No. 384, issued in 1996, which requires that at least one representative of the labor sector shall be included in the non-government/private sector representation. In the past, geographical and/or sectoral factors were used as the basis for selecting the private or non-government sector representation to RDC XI. These factors were considered to ascertain equitable and competent representation of the non-government/private sector in RDC XI.

I. DEFINITION OF TERMS

I.1 Private Sector Representative (PSR)

A PSR is a qualified natural person selected under these guidelines to represent the private sector in the RDC.

I.2 Private Sector Organization (PSO)

A PSO is an organization created or formed by private persons for the purpose of socio-economic development, rendering service or providing assistance to the public.

PSOs, among others, include business organizations, non-government organizations (NGOs), people's organizations (POs), industry associations, religious organizations, cultural associations, professional associations, civic clubs and cooperatives.

II. QUALIFICATION OF PSR NOMINEES

II.1 Citizenship

A PSR nominee must be a Filipino citizen of legal age, not otherwise disqualified by law, with proven track record in socio-economic development in the region, and must be willing and able to participate in all RDC activities.

II.2 Occupation

A PSR nominee must not hold any government position, whether appointive or elective, and must not receive any remuneration from the government while serving as Private Sector Representative to the RDC.

For purposes of these Guidelines the term “government position” refers to public office; and the term “appointive government position” refers to permanent items or positions in the civil service, whether career or non-career. However, the term “government position” does not apply to PSRs in government boards, commissions, or councils who are appointed to such government entities by virtue of their affiliation with the private sector.

Also for purposes of these Guidelines, the term remuneration refers to compensation given in the nature of salary as a matter of right in recompense for services rendered. It is a payment or compensation given as the base pay of the position or rank as fixed by law or regulations, excluding bonuses, per diems and allowances. It does not cover honorarium which is given not as a matter of obligation but in appreciation of services rendered.

II.3 Nomination

All nominees must be formally nominated by a qualified PSO duly accredited by the RDC. In the case of the Labor Sector Representative, however, the nominee must be nominated by a federation of labor unions duly recognized by the Department of Labor and Employment (DOLE) in accordance with Section III.2 hereof.

III. QUALIFICATION OF NOMINATING PSO

III.1 Nationality

The PSO must be a Filipino. Organizations managed by foreigners, whose officers and members are primarily composed of foreign nationals, or are considered branches or affiliates of foreign organizations are disqualified.

III.2 Legal Personality

The PSO must be registered with the Securities and Exchange Commission (SEC) or any government agency or local government unit (LGU) which registers organizations and associations for purposes of bestowing a legal personality.

III.3 Performance

A PSO must have conducted or participated in socio-economic development related activities in the region for at least three (3) years.

The socio-economic development related activities include but are not limited to any of the following:

- a. Membership in any of the sectoral committees of the RDC for at least one (1) year prior to the PSO's participation in the selection of a PSR;
- b. Membership in any of the special or affiliate committees of the RDC for at least one (1) year prior to the PSO's participation in the selection of a PSR;
- c. Membership in any of the provincial or city development councils or in the latter's sectoral committees, of provinces or cities covered by the RDC for at least one (1) year prior to the PSO's participation in the selection of a PSR;
- d. Participation, either as a contractor or collaborating PSO, in a program or project implemented by any national government agency for a total of at least one (1) year prior to the PSO's participation in the selection of a PSR.

Labor union federations accredited according to these Guidelines for the purpose of selecting the labor sector representative, may likewise be

accredited for participation in the selection of regular PSRs provided their socioeconomic development-related activities meet the foregoing minimum requirement.

Organizations which have government officials and employees as ex-officio members of the Governing Board or whose operations are funded by the government are disqualified. Financial support by the government to specific projects will not be considered as funding support to operations.

IV. PROCEDURE

IV.1 Accreditation

The RDC Secretariat shall update the list of accredited PSOs in the region using the prescribed form (Annex A) and determine the sectoral and geographic coverage of said organizations. It shall also prequalify the PSOs that shall participate in the PSR selection at least one month prior to the actual selection.

Once granted under these Guidelines, the accreditation of a PSO shall subsist in perpetuity until challenged by another PSO on the basis of loss of qualification; the challenging PSO shall have the burden of proving such loss of qualification.

IV.2 Accreditation Requirements

Together with the forms and supporting documents prescribed for accreditation under these Guidelines, proof of compliance with Section III.3 shall be submitted as follows:

- a. Certification issued by the chairperson of special or affiliate committee in the case of a PSO's membership to the RDC;
- b. Certification issued by the secretariat in the case of a PSO's membership to the provincial or city development councils;
- c. Certification issued by the Regional Director or Head in the case of the PSO's participation in a national government program or project either as contractor or collaborating PSO; or
- d. Acknowledgement by the RDC Secretariat in the case of membership of the PSO in the RDC or any sectoral committees.

IV.3 Number Requirement of PSRs for the Term 2010-2013

The total representation of non-government/private sector shall comprise one-fourth of the fully constituted Council. The current composition of the RDC XI based on EO 325 as amended by AOs 148 and 150 (both series of 2006); 231 and 775 (both series of 2008); and EO 562 (series 2006) includes twenty-three (23) national government agencies and fifteen (15) local government chief executives, for a total of thirty-eight (38) members representing the government sector. In view of this, there shall be a total of twelve (13) non-government/private sector representatives (equivalent to one-fourth of the fully constituted council) to RDC XI.

IV.4 Sectoral Allocation of PSRs

The thirteen (13) PSRs shall be allocated among the following priority sectors

1. Tourism
2. ICT
3. Crops/Livestock and Poultry/Fisheries
4. Forestry/Mining/Environment
5. Energy
6. Crops and Grains
7. Labor
8. IPs/Cultural Communities
9. Women/Children/Youth/PWDs/Older Persons
10. Academe
11. Cooperatives/Farmers and Fisherfolk
12. Urban Poor
13. *Unallocated*

IV.5 Venue for Selection

The venue for the selection of PSRs shall be in the regional center, Davao City, provided that the slot concerned in each case shall be opened to nominees residing anywhere in Davao Region.

IV.6 Nominee and Voter

Qualified PSOs shall submit their PSR nominees and the names of their official voters using the prescribed form (Annex B). Any individual who is qualified in accordance with the qualifications set under these Guidelines may be nominated by a qualified PSO provided that the qualified PSO nominates a maximum of two (2) nominees, one sectoral

and one geographic representation; provided, that a qualified PSO and its subsidiaries and affiliates shall be counted as one PSO only, except in cases where such affiliates or subsidiaries have distinct and separate legal personalities.

IV.7 Voting and Proclamation

The RDC Secretariat shall prepare the list of official nominees and convene the official voters representing the qualified PSOs for the purpose of selecting PSRs to the Council. The selection of PSRs shall be done through secret balloting. The RDC Secretariat shall tally the votes and proclaim the successful nominees.

In the case of the Labor Sector representative, the RDC Secretariat, with the assistance of the DOLE Regional Office, shall convene the official voters of labor union federations accredited under these Guidelines, who shall exclusively select the representative in the same manner described above.

IV.8 Confirmation

The RDC ex-officio members shall confirm the selected PSRs during the first RDC full council meeting held after the selection of the new set of PSRs.

V. TERM OF OFFICE

All confirmed PSRs shall serve for a period of three (3) years, without prejudice to reappointment or reelection through the same processes of nomination and confirmation mentioned above. However, they shall hold office until the new set of PSRs have been elected and confirmed.

The term of the RDC Chairperson/Co-Chairperson who comes from the private sector is co-terminus with his term as PSR.

VI. TERMINATION

PSRs considered remiss in the performance of their duties or who commit acts inimical to the RDC may be dropped as members of the RDC on motion and approval of majority of the members present during a full council meeting. PSRs who are elected or appointed to any government position during their term shall automatically lose his/her right to represent the private sector in the RDC.

VII. VACANCY

In case a vacancy occurs in the PSR seat of the Council either through resignation, recall, ineligibility due to appointment or election to public office, incapacity, permanent disability or death, the Council may determine the manner in which the vacancy may be filled up.