

Republika ng Pilipinas
(Republic of the Philippines)
KAGAHARAN NG EDUKASYON, KULTURA AT ISPORTS
(DEPARTMENT OF EDUCATION, CULTURE AND SPORTS)
Manila

January 31, 1990

DECS O R D E R
No. 8, s. 1990

THE NATIONAL EMERGENCY POWERS ACT
(REPUBLIC ACT NO. 6826)

To: Undersecretaries
Assistant Secretaries
Bureau Directors/Cultural Agency Directors
Directors of Services and Heads of Units/Centers
Regional Directors
Schools Superintendents
Presidents, State Colleges and Universities
Heads of Private Schools, Colleges and Universities
Vocational School Superintendents/Administrators

1. For the guidance of all concerned, inclosed is the full text of Republic Act No. 6826, otherwise known as "The National Emergency Powers Act", which was approved by the President on December 20, 1989.
2. As a measure intended to effectively deal with the exigencies of the Nation, and to carry out the difficult task of the economic reconstruction and recovery as a result of the recent December hostilities, all concerned are enjoined to extend to the President their full support and cooperation.
3. As the Department's response to the President's task, all DECS central and regional officials and employees are directed to observe the following:
 - a. Implement immediate improved measures in processing the official transactions of DECS with its individual and sectoral clientele, as part of its front-line services;
 - b. Assist in the creation and maintenance of an atmosphere of normalcy in its functions, and project an image of efficiency and effectiveness in all its services and activities;
 - c. Establish a close coordination with other government agencies and entities to exchange/share relevant information to keep its sector well-informed at all times; and

d. Set up a monitoring network at the district and division levels to enhance the exercise of the authorized powers provided in Sector 3 (a) and (b) of the Act.

4. To minimize all forms of disinformation, especially on official matters of speculative currency, tending to mislead or confuse the education sector, the DECS Central Office is setting up a central information center which shall assist in disseminating periodically, relevant information, and to service referrals from all sectors.

5. Finally, all DECS officials are advised to stress performance and commitment on their co-workers in the Department, and for each of them to serve as effective elements towards achieving the country's stability and normalcy.

6. Officials and employees of the DECS central and regional offices are enjoined to extend their full support and cooperation for the immediate and wide dissemination of this Order.

(SGD.) ISIDRO D. CARINO
Secretary

Incl.:

As stated

References:

None

Allotment: 1-2-3-4--(M.O. 1-67)

To be indicated in the Perpetual Index
under the following subjects:

BUREAUS & OFFICES
EMPLOYEES
LEGISLATION
OFFICIALS
RULES & REGULATIONS

S. No. 1388
H. No. 27675

Republic of the Philippines
Congress of the Philippines
Metro Manila

Third Regular Session

Began and held in Metro Manila on Monday, the twenty-fourth day of July, nineteen hundred and eighty-nine

[REPUBLIC ACT NO. 6826]

AN ACT TO DECLARE, IN VIEW OF THE EXISTENCE OF A NATIONAL EMERGENCY, A NATIONAL POLICY IN CONNECTION THEREWITH AND TO AUTHORIZE THE PRESIDENT OF THE REPUBLIC OF THE PHILIPPINES FOR A LIMITED PERIOD AND SUBJECT TO RESTRICTIONS, TO EXERCISE POWERS NECESSARY AND PROPER TO CARRY OUT THE DECLARED NATIONAL POLICY AND FOR OTHER PURPOSES

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

SECTION 1. *State of National Emergency*.—On December 1, 1989, a rebellion committed by certain elements of the Armed Forces of the Philippines aided and abetted by civilians gave rise to an emergency of national proportions.

The emergency continues even with the cessation of military hostilities. More than 2,000 persons who participated in the failed coup, including the masterminds and plotters, are said to be still at large. There is a clear

threat to national security posed by the rebels who have just "returned to their barracks", and the fence-sitters among the military. Bombings in Metropolitan Manila continue causing loss of lives, maiming of limbs and destruction of property.

On December 6, 1989, Proclamation No. 508 was issued by the President declaring a state of national emergency.

Meanwhile, secessionist elements in Mindanao, seeking to establish a common cause with rebels and their sympathizers, or taking advantage of the instability occasioned by the coup, are reported to have taken overt acts to dismember the country.

Communist rebels have taken advantage of the situation by attacking Government personnel and installations.

The economy has suffered and continues to suffer a serious setback, severely disrupting the momentum of our economic recovery.

A state of national emergency is hereby declared.

SEC. 2. Declaration of Policy.—The mutiny and rebellion by certain elements of the Armed Forces of the Philippines launched to seize state power, destabilize the duly constituted Government and supplant it with a military government by means of force and violence and other illegal means has caused loss of lives and destruction of property and has set back the economic program of the Government. Due to and by reason thereof, and in order to optimize the efforts of the President to carry out the difficult task of economic reconstruction, it is imperative to grant her emergency powers subject to such limitations as hereinafter provided.

SEC. 3. Authorized Powers.—Pursuant to Article VI, Section 23 (2) of the Constitution, and to implement the declared national policy, the President is hereby authorized to issue such rules and regulations as may be necessary to carry out any or all of the following powers:

(1) To protect the people from hoarding, profiteering, injurious speculations, manipulation of prices, product

deceptions, and cartels, monopolies or other combinations in restraint of trade, or other pernicious practices affecting the supply, distribution and movement of food, clothing, medicine and medical supplies, office and schools supplies, fuel, fertilizers, chemicals, building materials, implements, machinery, equipment and spare parts required in agriculture, industry and other essential services, and other articles of prime necessity, whether imported or locally produced or manufactured.

(2) Towards the above ends, (a) to purchase any of the articles or commodities heretofore mentioned, for storage, sale, or distribution for the relief of hunger and want of the population, and/or to stabilize the prices of such foodstuffs, articles and other commodities; (b) to fix the maximum selling prices thereof; (c) to regulate the fees charged by establishments in connection with the production, processing, milling, storage and distribution of such articles or commodities; (d) to seize and confiscate hoarded foodstuffs and commodities; *Provided*, That goods which are determined to have been seized wrongfully shall be subject to the subsequent determination and payment of just compensation; and, (e) to call upon and deputize recognized non-government and people's organizations and volunteers as well as local government units to assist the Government to carry out these powers through the monitoring or implementation of orders, rules and regulations, as the case may be.

(3) To temporarily take over or direct the operation of any privately-owned public utility or business affected with public interest that violates the herein declared national policy; *Provided*, *however*, That to the extent feasible, management shall be retained, under the direction and supervision of the President or her duly designated representative who shall render a full accounting to the President of the operations of the utility or business taken over; *Provided*, *further*, That whenever the President shall determine that the further use or operation by the Government of any such public service or enterprise is no longer necessary under existing conditions, the same shall be restored to the person entitled to the possession thereof;

(4) To liberalize the importation and/or grant incentives for the manufacture, assembly, reconditioning, or importation of needed vehicles or vessels, including the necessary parts thereof, for public transportation to relieve the transportation crises;

(5) To ensure the availability of credit to the productive sectors of the economy especially in the countryside through measures such as, but not limited to, lowering the effective lending rates of interest and reserve requirements of lending institutions;

(6) To stagger the working hours of, and adopt a flexible working schedule for, employees and workers in government, and whenever it becomes necessary, in the private sector;

(7) To conserve and regulate the distribution and use of power, fuels and energy and ensure adequate supply of the same;

(8) Subject to the provisions of paragraph 5, Section 25, Article VI of the Constitution, to decrease expenditures of the Executive Department of the National Government and government-owned or controlled corporations and their subsidiaries through the suspension of services, activities or operations which are of no immediate necessity, and for this purpose the President shall order that all departments, agencies and instrumentalities of the government create a reserve fund equivalent to ten percent (10%) of their respective appropriations, except those pertaining to personnel services, construction and repair of school buildings and hospitals: *Provided, however,* That in all cases, the security of tenure of civil service employees shall be respected;

(9) To issue lawful orders for the recovery and accounting of all firearms, explosives and military equipment, including, but not limited to, those belonging to the Armed Forces of the Philippines and the Philippine Constabulary, Integrated National Police and licensed firearms which have fallen into the possession of unauthorized persons or entities, or are being used by their holders for unlawful

purposes, and pursuant thereto, adopt such measures as are reasonably necessary to take custody of such firearms, explosives and equipment and/or otherwise accomplish the purposes herein stated: *Provided*, That this authority can be exercised only upon specific orders of the President or her duly authorized representative;

(10) To ensure that military uniforms, equipment and supplies of the Armed Forces of the Philippines and the Philippine Constabulary-Integrated National Police are possessed and used only by authorized officers and members thereof pursuant to law; and

(11) To undertake such other measures as may be reasonable and necessary to enable the President to carry out the declared national policy subject to the Bill of Rights and other constitutional guarantees.

SEC. 4. *Reports to Congress*.—The President, within ten (10) days from the issuance of any of the executive acts, orders, rules and regulations promulgated and issued by her under the powers herein granted shall report to Congress the issuance thereof and the justification therefor: *Provided*, That within the first ten (10) days of every month, the President shall likewise submit a monthly report to Congress of all acts performed pursuant to this Act during the preceding month.

SEC. 5. *Penalties*.—Any violation of the rules or regulations issued pursuant hereto, shall be punishable with imprisonment of not less than five (5) years but not more than ten (10) years or a fine of not less than fifty thousand pesos (P50,000) but not more than five hundred thousand pesos (P500,000) or both such imprisonment and fine at the discretion of the Court: *Provided, however*, That if the offender is a corporation, association, partnership or any other juridical person, the penalty shall be imposed upon the president, directors, managers, managing partners, as the case may be, who participated in the commission of the offense or who shall have knowingly permitted or failed to prevent the commission of the same. If the offender is

an alien, he shall, in addition to the penalties herein prescribed, be deported without further proceedings: *Provided, however,* That if the offender is a public official or employee, he shall, in addition to the penalties prescribed herein, suffer removal or temporary absolute disqualification from office, as the case may be.

SEC. 6. *Construction and Interpretation.*—Nothing in this Act shall be construed or interpreted as a restriction of the Bill of Rights or of the Constitution.

SEC. 7. *Separability Clause.*—If any provision of this Act or the application of such provision to any person or circumstance is declared invalid, the remainder of this Act or the application of such provision to any other person or circumstances shall not be affected by such declaration.

SEC. 8. *Promulgation, Effect and Enforcement of Rules and Regulations.*—The rules and regulations promulgated by the President pursuant to this Act, which shall have the force and effect of law, shall be numbered consecutively and shall take effect two (2) days after their publication in case of rules and regulations that are denominated "urgent"; and five (5) days in case of those without such denomination. The publication shall be effected in at least two (2) newspapers of national circulation.


Rules and regulations with a penal clause shall be duly published in Filipino and English in at least two (2) national newspapers of general circulation.

Said rules and regulations shall cease to be in force and effect upon the expiry date provided in Section 9 hereof without prejudice to benefits and rights that may have vested, and culpabilities and liabilities that may have been incurred and established after due notice and hearing.

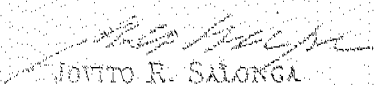
SEC. 9. *Effectivity.*—This Act shall take effect upon its publication in two (2) national newspapers of general circulation and shall be in full force and effect until the next *simul* adjournment in June 1990 of the regular session of Congress: *Provided, however,* That adjournment

for a recess shall not affect the duration of this Act; and
Provided, further, That the powers granted under this
Act may be withdrawn sooner by means of a concu-
rent resolution of Congress or ended by Presidential
Proclamation.

Approved,




RAMON V. MITRA
Speaker of the House of
Representatives

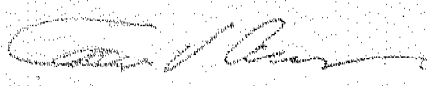


JOVITO R. SALONGA
President of the Senate

This Act which is a consolidation of Senate Bill No. 1388
and House Bill No. 27675 was finally passed by both
the Senate and the House of Representatives on
December 19, 1989.




QUIRINO D. ABAD SANTOS, JR.
Secretary of the House of
Representatives



EDWIN F. ACOBA
Secretary of the Senate

Approved: December 20, 1989



CORASON C. AQUINO
President of the Philippines