

## Chapter 6

# Selection, Term of Office, Termination and Memberships in Committees of Private Sector Representatives

### **Selection**

Private Sector representatives (PSRs) to the RDC shall be selected at least one week prior to the submission of nominees for the RDC Chairperson/Co-Chairperson (Sec. P IRR of EO 325). The procedure for selection of these private sector representatives is guided by NEDA Board Resolution No. 17 series 1996 and supplemented by a set of guidelines to be prepared by the RDC Secretariat and approved by the Council.

Sec. H of the Rules and Regulations of EO 325 provides that:

1. PSRs refer to qualified natural persons selected to represent the private sector in the RDC.
2. Private Sector Organizations (PSO) refers to organizations created or formed by private persons for the purpose of socio-economic development, rendering service or aiding the public. These include, among others, business organizations, non-government organizations (NGO), people's organizations, industry associations, religious organizations, cultural associations, professional associations, civic clubs, and cooperatives.

PSO connotes a group of private persons who voluntarily organize themselves to act primarily for socio-economic development and to advocate certain public or Sectoral interest. As such, the term business organizations may be construed to refer to groups of private business companies/enterprises organized for the promotion of the interests of the business community (NEDA Legal Staff Opinion dated 27 May 2004).

Moreover, the words that are associated with business organizations, industry organizations, religious organizations, etc. imply that business organization refers to an assemblage of private companies or corporations.

### **Qualifications of PSR Nominees**

(Sec. H of EO 325)

1. Citizenship. PSR nominees must be Filipino citizens 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.

2. Occupation. A PSR nominee must not hold any government position, whether appointive or elective, and must not receive remuneration from the government while serving as private sector representative to the RDC.
3. Nomination. The nominee must have been formally nominated by a qualified PSO duly accredited by the RDC.

### **Qualifications of Nominating PSO**

(Sec. of EO 325)

PSOs must have the following qualifications to be able to participate in the selection of PSRs to the RDC:

1. Legal Personality. The PSO must be registered with the Securities and Exchange Commission (SEC) or any government agency and LGU which registers organizations and associations for the purpose of bestowing legal personality.
2. Performance. The PSO must have conducted socio-economic activities for at least three (3) years from date of registration in the region concerned.
3. Nationality. The PSO must be Filipino. Organization managed by foreigners, whose officers and members are primarily composed of foreign nationals or are considered branches or affiliates of foreign organizations are disqualified.

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.

### **Procedure**

(Sec. H of the Rules and Regulations of EO 325)

1. Accreditation. The RDC III thru the Secretariat shall initiate a one-month region-wide information campaign thru print and broadcast media on the procedures and criteria for the selection of private sector representatives. 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 pre-qualify the PSOs that shall participate in the PSR selection at least one month prior to the actual selection of PSRs (Sec. H.4 of IRR, EO 325).

Provincial/City Planning Development Offices in the region may be requested to assist the RDC Secretariat in the information campaign to reach out as many NGOs as possible by identifying qualified NGOs from which nominees can be taken, sending out invitations for qualified NGOs, and preparing a list of nominees from whom the representatives can be taken.

2. Determination of Sectoral and Geographical Allocation (Sec. H.4 of IRR, EO 325). The RDC Ex-Officio members may determine the sectoral and geographic allocation of the private sector representatives in the RDC.

There shall be one PSR each to represent the provinces comprising the region. Geographic PSRs shall be endorsed by the Provincial Development Councils.

3. Nominee and Voter (Sec. H.4 of EO 325). Qualified PSOs shall submit their PSR nominees and the names of their official voters to the RDC Secretariat using the prescribed form (Annex A). Any individual who meets the qualifications set for PSR nominees may be nominated by a qualified PSO, provided, that the qualified PSO nominates a maximum of only two nominees, one sectoral and one geographic representation. Provided further 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. Nominees may or may not come from the nominating private sector organization.

The RDC Secretariat shall review the nomination forms to identify those coming from qualified private sector organizations.

4. Voting and Proclamation (Sec. H.4 of EO 325). The RDC Secretariat shall prepare the list of official nominees and convene the official voters representing qualified PSOs for the purpose of selecting PSRs to the Council. The selection of PSRs shall be done by secret balloting. The RDC Secretariat shall tally the votes and proclaim the successful nominees.

The RDC Secretariat shall determine the mechanics of the selection process and oversee the orderly conduct of the convention.

5. Confirmation. The RDC Ex-Officio members shall confirm the selected PSRs during the first RDC Full Council meeting to be held after the selection of the new set of PSRs.

## **Term of Office**

The term of office/tenure of RDC PSR is defined in the IRR of EO 325 Section H, Item 5: "All confirmed PSRs shall serve for a period of three years, without prejudice to re appointment through the same process of nomination and confirmation as provided in the Guidelines for the Selection of Tenure of PSRs. The term of the RDC Chairperson/Co-Chairperson who comes from the private sector is coterminous with his/her term as PSR".

If a duly elected private sector representative is unable to continue serving the Council and a vacancy occurs, the PSR who garnered the next highest number of votes during the election of PSRs assumes the vacant position but shall serve only the un-expired portion of the term of office.

## **Termination**

PSRs considered remiss in the performance of their duties or commit acts inimical to the RDC may be dropped as members of the RDC on motion of a member and approval of majority of the members present during a full council meeting (EO 325 IRR Section H).

A PSR who has three consecutive absences in Council meetings or in the Sectoral Committee meetings where she/he is a member, is considered remiss in the performance of his/her duties.

PSRs who are appointed to any government position during their term as PSR shall automatically be dropped as a RDC III PSR.

## **Membership in Committees**

PSRs shall meet after their confirmation to decide on their memberships in the four Sectoral Committees provided that each SECCOM shall have at least two PSR members.