



03 April 2018

MR. SILVESTRE C. AFABLE, JR.
 Chairperson

MR. ALLAN R. GARCIA
 President and CEO (PCEO)

JOHN HAY MANAGEMENT CORPORATION (JHMC)
 John Hay Special Economic Zone
 Camp John Hay, Baguio City



**RE: APPEAL FOR RECONSIDERATION ON THE
 VALIDATION RESULT OF 2016 PERFORMANCE
 SCORECARD OF JHMC**

John Hay Management Corporation
 a member of the BCDA Group
 OPCEO-IN-2018-0379

Dear Chairperson Afable, Jr. and PCEO Garcia,

This is in reference to the letter of JHMC dated 15 January 2018¹, which requested for reconsideration of four (4) Strategic Measures (SMs) under the validated 2016 Performance Scorecard². The items requested for reconsideration are as follows:

1. SM1: Number of new locators or projects signed meeting best use criteria;
2. SM4: Issuance of ISO 14001 Environmental Management System (EMS);
3. SM12: Number of processes automated; and,
4. SM13: Establishment of a Competency Models.

In its letter, JHMC identified the grounds of its request to re-evaluate the results of the validation made by the Governance Commission. These are the following:

1. Some of the targets utilized in the evaluation of JHMC's performance were inconsistent with the Performance Agreement / Summary of Agreement;
2. There were a few documents inadvertently missed in the submission of JHMC; and,
3. Clarification on the validation result.

Under the GCG-validated 2016 Performance Scorecard, JHMC garnered **73.75%**, as compared to its reported rating of 97.50%. The difference in the rating by the Governance Commission and the reported rating of JHMC is attributed to the findings under the abovementioned SMs, which JHMC herein requested to reconsider. To address its appeal on the four (4) identified SMs, the justifications of JHMC will be discussed in the paragraphs hereunder.

ON STRATEGIC MEASURE 1

The rating of 3.75%, out of the full weight of 7.50% attributed to the measure, was validly earned by JHMC. In the practice of its mandate, JHMC leases out parcels of land to locators to induce tourism, commercial, employment generation and economic

¹ Officially received by the Governance Commission on 22 January 2018.

² Letter of the Governance Commission dated 20 December 2017.

activities in the economic zone. Relevant thereto, this measure aims to capture the increase of locators and/or projects signed by JHMC to develop Camp John Hay as a premier tourist and investment destination. As reported by JHMC, three (3) new locators were achieved in 2016 out of the full year target of two (2) new locators. However, only one (1) of three (3) contracts submitted by JHMC was considered as accomplishment for 2016.

JHMC revealed in its letter appeal that, upon careful review of existing documents, submission of its agreement with a new locator in 2016 was **inadvertently missed out**. In this case, it then submitted the Contract of Lease for the "*Reconstruction, Operation and Maintenance of the Camp John Hay Mini-Hydro Power Plant,*" as additional support document. The submitted supporting document is a copy of a tripartite contract agreement between *BCDA, JHMC, and Riverflow venture and Power Energy Corporation*, which was executed on 16 March 2016 and notarized on 19 May 2016. With this, JHMC requested that the Governance Commission accept its submission of the said document to secure an additional rating of 3.75% under SM1.

Considering that the submitted contract was signed within 2016, the Governance Commission accepts the contract of lease with Riverflow Venture and Power Energy Corporation as accomplishment in 2016. In this consideration, the rating under this measure is **INCREASED** from 3.75% to 7.50%.

While we accept the submission of new documentation as evidence, the Governance Commission informs JHMC that the practice of submitting new supporting documents after it has received the result of validation have been noted as a recurring practice of JHMC. During the validation for the 2015 PBB wherein initially JHMC was disqualified, it appealed for reconsideration citing the same reason of inadvertently missing out the submission of additional documents. Under the Performance Evaluation System (PES), GOCCs are encouraged to devise systems to integrate the PES within the organization. Moreover, the concept of the PES not only entails the crafting of annual measures and targets but also embodies within it a system of monitoring and evaluation. It is in this purpose that GOCCs are required to submit Quarterly Monitoring Reports such that, at the very minimum, GOCCs are expected to gather documents as supporting evidence and to periodically monitor and submit the same to the GCG. The practice of belated submission shows negligence on the part of JHMC and to continue accepting documents inadvertently missed out defeats the purpose and intent of the PES. Moving forward, JHMC shall not be allowed reconsideration using the same grounds as basis.

ON STRATEGIC MEASURE 4

This measure is equivalent to 10% full weight, which JHMC failed to achieve based on the evaluation of the Governance Commission. JHMC completed milestone activities essential for the issuance of ISO 14001 Certification but failed to obtain a Board-approved Environmental Management Plan (EMP), which is the target in 2016.

First, JHMC expressed clarification on DENR Administrative Order (DAO) 2003-30. It cited Article 1, Section 3 (l) of the same DAO that the standard Environmental Impact Statement (EIS) procedure is not best suited for JHMC since Environmental Compliance Certificates (ECCs) are named under the private developers/lessors and not under JHMC or BCDA. Further, JHMC averred that the Environmental Management System (EMS) shall cover only the existing projects and programs that

are co-located in its area. On another note, it added that the EMP may be prepared simultaneously with the formalization or documentation of the EMS of JHMC.

Second, JHMC stated that the rating system in the assessment of the Governance Commission is inconsistent with the Summary of Agreement dated 23 November 2015. It reiterated its previous request for correction of selected items under the signed Performance Agreement 2016 in its letter dated 03 June 2016. Particularly, JHMC requested to replace, among others, the Rating System of SM 4 under the signed Performance Agreement 2016 into the Rating System under the Summary of Agreement, as presented below.

FROM	TO	
All or nothing	10%	Activity 5
	7.5%	Activity 4
	5%	Activity 3
	2.5%	Activity 2
	0%	Activity 1

In the same letter, the five (5) milestone activities under the Summary of Agreement were later identified by JHMC, as follows:

ACTIVITY NO.	ACTIVITY TITLE
5	Establishment of JHMC-BOD-Approved Environmental Management Plan (EMP)
4	Regulatory and Permitting Review of Projects within the JHSEZ
3	Updating of a Comprehensive Information for Direct Environmental and Indirect Environmental Impacts of Projects in the JHSEZ
2	Assessment of the Environmental Impacts of JHMC processes and activities
1	Establishment of the Manuals for Solid Waste Management and Hazardous Waste Management

In the validation of its performance, the milestones achieved were not given merit considering the *All or nothing* rating system. Upon review of supporting documents, it was identified that Activities 1 to 4 were accomplished by JHMC. In this regard, the rating under SM 4 is hereby **INCREASED** from 0% to 7.5%.

ON STRATEGIC MEASURE 12

JHMC got 0%, out of 7.5% weight, under the measure Number of Processes Automated since it failed to meet the target within 2016. The automation of its processes was envisioned to provide more efficient services to its stakeholders, particularly to its locators. For 2016, it was the target of JHMC to implement the automation of the second phase of Special Economic Zone Administration Department (SEZAD) Information System.

In the validation of the Governance Commission, it was determined that the contract for the consultancy service with DANALEX Corporation for the SEZAD Information System design and development was signed on 27 December 2016. The

Notice to Proceed, moreover, only effected on 19 January 2017. Based on these information, the system was clearly not implemented by the end of 2016.

In its letter, JHMC stated that the SEZAD Information System was already developed as of 16 February 2017. Moreover, it added that the Information System was undergoing recalibration process during the validation of the Corporate Governance Officers in the Camp John Hay on 10-11 May 2017. To support its reported performance, JHMC submitted screenshots of entries made in various permitting processes from 16 February 2017 onwards, as additional documentary evidence. In this regard, JHMC requested the Governance Commission to accept its submission.

Based on the submissions and representations of JHMC, it is clear that the SEZAD Information System was implemented beyond 2016. In this manner, the ultimate goal of the objective to improve technology and infrastructure support of JHMC was not realized in the coverage year; ergo, no point should be given. Considering the *All or Nothing* rating scale, request for reconsideration is **DENIED**, the 0% score of JHMC in SM 12 is **RETAINED**.

ON STRATEGIC MEASURE 13

JHMC was given 0%, out of 5% weight, of the measure Establishment of a Competency Model. JHMC procured a consultant to develop the competency model, however, the model was not completed by the end of 2016.

The Governance Commission requires GOCCs to integrate the competency model in their performance scorecard in line with the Civil Service Commission's (CSC) direction of integrating competencies in plantilla positions of government organizations. The competency model may be developed in-house or through engagement of a consultant.

According to JHMC, its Competency Model was undergoing development as of end of 2016. It justified that the delay on the achievement of target was due to the death of its ex-consultant on 20 January 2017. This compelled JHMC to engage the service of another consultant. Furthermore, the appointment of new Management also affected its timeline. To support its accomplishment, JHMC submitted a copy of Secretary's Certificate of Board Resolution 2017-1120-203, which approved the Competency Model and Competency Baseline effective on 20 November 2017.

While JHMC is commended for having completed its Competency Model, such cannot be considered as an accomplishment for 2016 simply because it was accomplished, as reported, in November 2017. In this regard, request for reconsideration is **DENIED**. The 0% score of JHMC in SM13 is also **RETAINED**.

In view of the foregoing, JHMC is granted an additional score of 11.25% based on the re-evaluation of the Governance Commission, the 2016 Performance Scorecard rating of JHMC is hereby modified to **85.00%** from the previous rating of 73.75%, details as follows:

Appeal for Reconsideration of the Validation Result of 2016 Performance Scorecard of JHMC

MEASURE		FROM	TO	INC/(DEC)
SM 1	Number of new locators or projects signed meeting best use criteria	3.75%	7.50%	3.75%
SM 2	Issuance of ISO 14001 Environment Management System (EMS)	0.00%	7.50%	7.50%
SM 12	Number of Processes Automated	0.00%	0.00%	0.00%
SM 13	Establishment of Competency Model	0.00%	0.00%	0.00%
TOTAL WEIGHT		3.75%	15.00%	11.25%

In this regard, JHMC fails to achieve the weighted-average score of at least 90% in the 2016 Performance Scorecard, therefore, disqualifying JHMC to the grant of 2016 Performance Based Bonus.

FOR YOUR INFORMATION AND GUIDANCE.

Very truly yours,

SAMUEL G. DAGPIN, JR.
Chairman


MICHAEL P. CLORIBEL
Commissioner 1-8


MARITES C. DORAL
Commissioner