

[NEDA-PRA Joint Order No. 01-2015, January 12, 2015]

IMPLEMENTING RULES AND REGULATIONS (IRR) OF EXECUTIVE ORDER (EO) NO. 146 DATED NOVEMBER 13, 2013 DELEGATING TO THE NATIONAL ECONOMIC AND DEVELOPMENT AUTHORITY (NEDA) BOARD THE POWER OF THE PRESIDENT TO APPROVE RECLAMATION PROJECTS

Adopted: 12 Jan. 2015

Date Filed: 17 February 2015

Pursuant to Section 6 of EO No. 146, this IRR is hereby issued to prescribe the requirements for the approval of reclamation projects.

Section 1. Scope and Application. Except for reclamation projects where contracts/agreements had been executed between the government entity concerned and private sector proponent/s prior to the effectivity of EO No. 146, this IRR shall apply to all reclamation projects and reclamation components of a development / infrastructure project, and shall specify and enumerate the requirements and procedures for the review, evaluation and approval of all reclamation projects and reclamation components nationwide by the NEDA Board.

Section 2. Coverage. This IRR shall cover the following:

2.1. Reclamation projects initiated/proposed by the Philippine Reclamation Authority (PRA);

2.2. Reclamation projects and/or reclamation components of a development or infrastructure project initiated by Local Government Units (LGUs) pursuant to Republic Act (RA) No. 7160, otherwise known as the Local Government Code of 1991:

2.2.1. Wholly funded out of the LGU's funds for public use pursuant to Section 17 of RA No. 7160; or

2.2.2. Funded through a partnership with Private sector entity for any use.

2.3. Reclamation projects and/or reclamation components of a development or infrastructure project of any National Government Agencies (NGAs) and Government - Owned or - Controlled Corporations (GOCCs), as defined under RA No. 10149, otherwise known as the GOCC Governance Act of 2011, mandated under existing laws to reclaim such as, but not limited to, the following agencies: Philippine Ports Authority (PPA), Laguna Lake Development Authority (LLDA), Bases Conversion and Development Authority (BCDA), Subic Bay Metropolitan Authority (SBMA), Philippine

Veterans Investment Development Corporation (PHIVIDEDEC), Department of Public Works and Highways (DPWH) and National Power Corporation (NPC):

2.3.1. Wholly funded out of the GOCC's corporate funds I NGA's budgetary allotment from the General Appropriations Act (GAA), proceeds from loans, borrowings or similar instruments; or

2.3.2. Funded through a partnership with Private sector/entity for any use.

2.4. Reclamation projects initiated by the private sector/entity through PRA, LGUs, GOCCs or NGAs authorized to reclaim land.

2.5. Reclamation projects proposed by qualified Filipino individuals subject to constitutional limitations.

Section 3. Definition of Terms.

3.1. Area Clearance - refers to the document issued by the concerned Department of Environment and Natural Resources (DENR) sector indicating that the area covered thereby are free and open for the grant of a Reclamation Application.

3.2. Area Status and Land Classification- refers to the document to be issued by the DENR certifying whether the site/area of the proposed reclamation project is not a protected area or covered by any tenurial instrument.

3.3. Completed Staff Work (CSW)- refers to the output of the entire process of PRA review and evaluation as basis for the recommendation of reclamation proposals to the PRA Board for acceptance and endorsement to the NEDA Board through a PRA Board resolution.

3.4. Environmental Compliance Certificate (ECC) -document issued by the DENR-Environmental Management Bureau (EMB) after a positive review of an ECC application, certifying that based on the representations of the proponent, the proposed project or undertaking will not cause significant negative environmental impact. The ECC also certifies that the proponent has complied with all the requirements of the Environmental Impact Statement (EIS) System and has committed to implement its approved Environmental Management Plan. The ECC contains specific measures and conditions that the project proponent has to undertake before and during the operation of a project, and in some cases, during the project's abandonment phase to mitigate identified environmental impacts.

3.5. Equivalent Studies-refer to studies being required by the DENR to secure an ECC such as but not limited to EIS, Initial Environmental Examination (IEE), Environmental Performance Report and Management Plan (EPRMP).

3.6. Private Sector/Entity -any qualified individual Filipino Citizen of legal age and with capacity to contract; or a corporation, partnership, association or cooperative organized or authorized for the purpose of engaging in reclamation, with technical and financial capability to undertake reclamation and land development, duly registered in accordance with law, and sixty percent (60%) owned by Filipino Citizens.

3.7. Reclamation -the deliberate process of converting foreshore land, submerged areas or bodies of water into land by filling or other means using dredge fill and other suitable materials for specific purpose/s.

3.8. Reclamation Component -refers to the reclamation activity as part of the civil works of development or infrastructure project such as ports, airports, power plants and other similar projects consistent with the Philippine Development Plan (PDP) and/or the Public Investment Program (PIP) or its equivalent local plan/program.

3.9. Reclamation Project -refers to a project involving the reclamation of a specific size of land in a specific site for a specific use/s or purpose consistent with the PDP and/or PIP or its equivalent local plan/program.

Section 4. Approval of Reclamation Projects and Reclamation Components.

4.1. The PRA shall recommend to the PRA Board all reclamation for dispositive action by the NEDA Board. Proposed reclamation projects endorsed by the PRA to PRA Board should include the following documents:

- a. Letter of Intent (LOI) from Applicant.
- b. Area Clearance.
- c. Feasibility Study (F/S) of the proposed reclamation project.

For ports, airports and power plants projects requiring adjacent areas to be reclaimed (reclamation component), if the relevant F/S of such projects already cover the reclamation aspect, such F/S shall be submitted to PRA for review and validation together with the requirements of a Reclamation Project Description.

d. Environmental Impact Statement (EIS) or equivalent studies and the ECC.

e. Provincial/City Council Resolutions expressing no objection to the proposed reclamation project.

f. Legal Documents to be submitted by Private sector/entity, LGU, GOCC or NGA, as follows:

- For Individual Filipino Citizen
 - i. Original or duly authenticated copy of Birth Certificate issued by the Local Civil Registrar or Philippine Statistics Authority (PSA); and
 - ii. Certificate of Naturalization or any other legally acceptable documents to prove Filipino citizenship.
- For Partnership / Corporation / Association
 - i. Certificate of Registration from the Department of Trade and Industry (DTI) or Securities and Exchange Commission (SEC);
 - ii. Proof that the corporation is sixty percent (60%)