IMPLEMENTING RULES AND REGULATIONS (IRR) OF EXECUTIVE ORDER NO. 543 (EO 543) DATED JUNE 24, 2006 DELEGATING TO THE PHILIPPINE RECLAMATION AUTHORITY (PRA) THE POWER TO APPROVE RE...

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WHEREAS, it is the President's objective to achieve simplicity, economy and efficiency in the approval of all reclamation projects.

Section 1. Scope and Application: This IRR shall apply to all reclamation and shall specify and enumerate the requirements and procedures for the approval of all reclamation projects nationwide.

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

2.1

Reclamation undertaken by persons or entities with original authority to reclaim under existing laws:

(a)

Cities and provinces using their own funds authorized under Republic Act No. 7160 otherwise known as the 1991 Local Government Code of 1991;

(b)

Government agencies and instrumentalities and government owned and/or controlled corporations authorized to reclaim under their charters or other existing laws (e.g. PPA, LLDA, DOT, BCDA, DPWH)

2.2

Reclamation Projects of persons or entities authorized to reclaim through a proper contract with PRA.

Section 3. No reclamation projects shall be undertaken by all the entities covered under Section 2 hereof without the prior permit and approval thereof by the PRA or the President of the Philippines (President). Other than the PRA or the president, there is no other government agency or local government units which is authorized to approve reclamation projects.

Section 4. Approval Process and Procedures:

In the application and approval of the reclamation projects, the following process and procedures shall apply:

4.1 The applicant shall file with the PRA a letter of intent or application to undertake a reclamation project together with the following requirements:

(a) Legal documents to be submitted by applicants, as follows:

a.1. Individual Filipino Citizens

Proof of Philippine citizenship as follows:

- Original or duly authenticated copy of Birth certificate issued by the Local Civil Registrar or NSO

- Certificate of Naturalization

- Any other legally acceptable document to prove Filipino citizenship

a.2. Partnership/ Corporation/ Association

- Certificate of Registration from DTI or SEC

- Proof that the corporation is 60% owned by Filipino citizens

- Certification of Corporate Secretary on the current membership of the Board of Directors and Authority of the Person filing the application to the PRA.

a.3. Local Government Unit (LGU) / Other Government Agency (OGA)

- Board/Council Resolution authorizing LGU / OGA to file an application with PRA

- Certified true copy of the charter or other incorporation documents.

(b) Reclamation Project Description indicating the following:

b.1

Proposed area, location and sketch plan

b.2

Description of the Reclamation Site – (average depth, boundaries, immediate vicinity, distance from shoreline, existing roads/access/egress and ingress, available infrastructure facilities/utilities, e.g., sources of power, water and telecommunication)

b.3

Reclamation methodology – estimated volume/quantity and types of the fill materials, for the containment/retention wall and consolidation as well as reclamation procedures/techniques

b.4

Identified sources of filling materials and location vis-à-vis the project site

b.5

Estimated cost of reclamation including supporting data (e.g., labor, available equipment and average unit cost/rental rates)

b.6

Proposed funding/financing of the project and mode of implementation

b.7

Proposed project timetable

(c) DENR Requirements (for Area Clearance)

c.1.

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Preliminary Geo-Hazard Assessment of the Area

c.2.

CENRO Certification on the status of the area and land classification of adjacent land

(d) Requirements of other concerned government agencies as may be necessary and applicable.

4.2

The applicant shall pay the following fees:

Filing Fee

- P500.00 per hectare but not less than P20,000.00 plus VAT to be paid upon filing of the application.

Processing Fee

- P1,000.00 per hectare but not less than P100,000.00 plus VAT payable upon submission of all requirements.

4.3

After determination of completeness of application, the PRA shall refer the same to the DENR and other relevant government agencies for issuance of clearance as necessary.

4.4

Upon receipt of the area clearance from DENR and other concerned government agencies/instrumentalities, PRA shall process, evaluate and approve the reclamation project within sixty (60) calendar days from the date of receipt of the area clearance. After the PRA Board approval of the reclamation project, the PRA shall notify the applicant of the approval or disapproval thereof within seven (7) days from the date of the said PRA Board approval.

Section 5. Approval reclamation projects may be implemented under any business arrangements allowed under existing laws, provided however that all the reclamation contracts shall be awarded through public bidding subject to exceptions provided under existing laws.

Implementation of reclamation projects by persons or entities without original authority to reclaim shall be covered by a contract with PRA subject to the condition that all such contracts of PRA be awarded only through public bidding under existing laws.

Section 6. The implementation of all reclamation projects shall be subject to monitoring and regulation by PRA and a corresponding regulatory fee of at least 2.5% of the estimated reclamation costs shall be charged therefor.

Section 7. Reclamation projects undertaken without the required approval of the PRA or the President of the Philippines contrary to the provisions of Presidential Decree No. 1084 as amended by Executive Order No. 525 and Executive Order No. 543, shall be considered illegal and shall be forfeited to the State pursuant to Presidential Decree No. 3-A.

Section 8. The approval of the reclamation project granted by PRA pursuant to EO 543 and this IRR shall not be construed as diminishing the President’s authority to modify, amend or nullify PRA’s action.

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Section 9. If any provision of this IRR is declared invalid or unconstitutional, the other provisions not affected thereby shall remain valid and subsisting.

Section 10. This IRR shall take effect immediately.

Adopted: 31 Jan. 2007

(SGD.) ANDREA D. DOMINGO
General Manager and CEO

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