



14 February 2019

CUSTOMS MEMORANDUM CIRCULAR
NO. 46-2019

To: All Deputy Commissioners
All Directors and Division Chiefs
All District/Port Collectors
And Others Concerned

**Subject: Executive Order No. 74 / Transferring the Philippine
Reclamation Authority (PRA) to the Office of the President**

Attached is a copy of Executive Order No. 74 entitled, "Repealing Executive Order (EO) No. 798 (s. 2009) and EO No. 146 (s. 2013), Transferring the Philippine Reclamation Authority (PRA) to the Office of the President (OP), Delegating to the PRA Governing Board the Power of the President to Approve Reclamation Projects, and For Other Purposes".

For your information and guidance.

For record purposes, please confirm the dissemination of this circular throughout your offices within fifteen (15) days from receipt hereof.

REY LEONARDO B. GUERRERO
Commissioner

FEB 18 2019

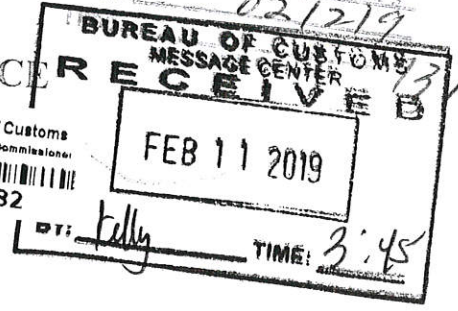
CMC 46-2019p.



P. M.
MASTER COPY

Republic of the Philippines
DEPARTMENT OF FINANCE
Roxas Boulevard Corner Pablo O.
Manila 1004

Internal Airmail 443-546
Received by: *[Signature]*
Date: 02/21/19



Bureau of Customs
Office of the Commissioner
19-04882

MEMORANDUM

FOR : **HEADS OF OFFICES**
This Department

HEADS OF BUREAUS/ATTACHED AGENCIES
Department of Finance

FROM : *[Signature]*
ALVIN P. DIAZ
Director IV
Central Administration Office

SUBJECT : Executive Order No. 74 entitled "REPEALING EXECUTIVE ORDER (EO) NO. 798 (S. 2009) AND EO NO. 146 (S. 2013), TRANSFERRING THE PHILIPPINE RECLAMATION AUTHORITY (PRA) TO THE OFFICE OF THE PRESIDENT (OP), DELEGATING TO THE PRA GOVERNING BOARD THE POWER OF THE PRESIDENT TO APPROVE RECLAMATION PROJECTS, AND FOR OTHER PURPOSES"

DATE : February 8, 2019

Attached for information and guidance is a copy of Executive Order No. 74 dated 01 February 2019 from Executive Secretary Salvador C. Medialdea, Office of the President on the above-captioned subject.



MASTER COPY

MALACAÑAN PALACE
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

EXECUTIVE ORDER NO.74

REPEALING EXECUTIVE ORDER (EO) NO. 798 (S. 2009) AND EO NO. 146 (S. 2013), TRANSFERRING THE PHILIPPINE RECLAMATION AUTHORITY (PRA) TO THE OFFICE OF THE PRESIDENT (OP), DELEGATING TO THE PRA GOVERNING BOARD THE POWER OF THE PRESIDENT TO APPROVE RECLAMATION PROJECTS, AND FOR OTHER PURPOSES

WHEREAS, in pursuit of the policy of the State to provide for a coordinated, economical and efficient reclamation of lands, and the administration and operation of lands belonging to, managed and/or operated by the government, with the objective of maximizing their utilization and hastening their development consistent with the public interest, Presidential Decree No. 1084 created the Public Estates Authority (PEA) for reclaiming land, including foreshore and submerged areas, by dredging, filling or other means, or to acquire reclaimed land, among others;

WHEREAS, EO No. 525 (s. 1979) designated the PEA as the agency primarily responsible for integrating, directing and coordinating all reclamation projects for and on behalf of the National Government and mandated that all reclamation projects shall be approved by the President upon the recommendation of the PEA;

WHEREAS, EO No. 380-A (s. 2006) renamed the PEA as the Philippine Reclamation Authority, and EO No. 543 (s. 2006) delegated to the PRA, through its Governing Board, the President's power to approve reclamation projects, subject to compliance with existing laws and rules, and subject further to the condition that reclamation contracts to be executed with any person or entity shall go through public bidding;

WHEREAS, EO No. 146 (s. 2013) transferred the delegated power to approve reclamation projects from the PRA to the National Economic and Development Authority (NEDA) Board, while allowing the PRA to continue processing, evaluating and recommending the approval of all proposed reclamation projects to the NEDA Board;

THE PRESIDENT OF THE PHILIPPINES

WHEREAS, by virtue of EO No. 798 (s. 2009), the PRA was transferred from the Department of Public Works and Highways to the Department of Environment and Natural Resources (DENR);

WHEREAS, the Constitution mandates the State to protect and advance the right of the Filipino people to a balanced and healthful ecology;

WHEREAS, it is the policy of the State to increase its competitiveness, promote ease of doing business, and rationalize and streamline functions of agencies to facilitate efficient delivery of government services;

WHEREAS, there is a need to rationalize the approval process for reclamation projects towards an economically and environmentally sustainable resource development;

WHEREAS, Section 31, Chapter 10, Title III, Book III of EO No. 292 (s. 1987) or the "Administrative Code of 1987," vests in the President the continuing authority to reorganize the administrative structure of the Office of the President; and

WHEREAS, pursuant to Section 17, Article VII of the Constitution, the President shall have control of all the executive departments, bureaus and offices, and shall ensure that the laws be faithfully executed;

NOW, THEREFORE, I, RODRIGO ROA DUTERTE, President of the Philippines, by virtue of the powers vested in me by the Constitution and existing laws, do hereby order:

Section 1. Repeal of EOs. EO No. 798 and EO No. 146 are hereby repealed.

Section 2. Transfer and Delegation of Power. The PRA shall be under the control and supervision of the OP, while the power of the President to approve all reclamation projects shall be delegated to the PRA Governing Board. Such delegation, however, shall not be construed as diminishing the President's authority to modify, amend or nullify the action of the PRA Governing Board.

Section 3. Technical Evaluation. Pursuant to its mandate to integrate, direct and coordinate all reclamation projects for and on behalf of the National Government, the PRA is mandated to seek the advisory opinions of the following relevant national government agencies on any proposed reclamation project:

- a) The NEDA, on the consistency of the project with national and regional development planning and programming, and established national priorities of the government;
- b) The DENR, on the environmental sustainability of the project and compliance with environmental laws, rules and regulations; and
- c) The Department of Finance, on the economic and fiscal viability of the project based on the feasibility study submitted by the project proponent, compliance

with Republic Act (RA) No. 6957 and RA No. 9184, and consistency of component joint venture agreements or other incidental agreements with applicable laws.

The above agency advisory opinions must be conveyed to the PRA within thirty (30) days from their receipt from the PRA of all documents reasonably necessary for their respective evaluation.

Section 4. Environmental Compliance Certificate. No reclamation project shall be approved by the PRA without the required Area Clearance and Environmental Compliance Certificate to be issued by the DENR. The DENR shall ensure transparency and inclusivity in the conduct of the Environmental Impact Assessment which shall include public disclosure and multi-stakeholder engagement.

Section 5. Competitive Bidding. Subject to relevant laws and regulations, the PRA shall ensure that all reclamation projects undergo competitive public bidding consistent with the government's thrust to promote transparency and competitiveness.

Section 6. Holistic Approach to Reclamation. All proposals for reclamation projects shall be evaluated by the PRA based on their cumulative impacts rather than on a specific project basis. Every proposed reclamation project shall be accompanied by hydrodynamic modelling, except for relatively small reclamation projects of less than five hectares, and detailed horizontal and vertical development plans.

Section 7. Reclamation and Development Plan (RDP). The PRA, in coordination with the DENR, NEDA and affected local government units (LGUs), shall craft a National and/or Regional RDPs which take into consideration environmental, social and economic impacts of proposed reclamation projects. All RDPs shall undergo public consultation and shall be consistent with the greater public interest.

All proposals for reclamation projects covered by this Order must be compliant with these RDPs and relevant master plan of the concerned national government agency.

Section 8. Development Fund. The PRA Governing Board is enjoined to allot at least five percent (5%) of its net earnings to develop its capability and expertise to reclaim land, including the modernization of its dredging and reclamation technologies, subject to relevant budgetary and accounting laws, rules and regulations. The PRA shall craft and implement a five-year development plan to transform the PRA as a premier reclamation authority.

Section 9. Coverage. This Order shall apply to all reclamation projects, including those initiated by LGUs and all other agencies, government-owned or -controlled corporations or any government entity allowed under existing laws to reclaim land, for which there are no contracts/agreements yet executed between the government entity concerned and a private sector proponent prior to the effectivity of this Order.

Section 10. Implementing Rules and Regulations. Within thirty (30) days from the effectivity of this Order, the PRA shall submit to the OP for approval, the necessary rules and regulations for the implementation of this Order.

Section 11. Separability. Should any provision of this Order be declared invalid or unconstitutional, the other provisions not affected thereby shall remain valid and subsisting.

Section 12. Repeal. All other issuances inconsistent with this Order are hereby repealed or modified accordingly.

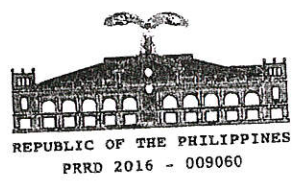
Section 13. Effectivity. This Order shall take effect immediately.

DONE, in the City of Manila, this 1st day of February in the year of our Lord, Two Thousand and Nineteen.

R. Duterte


By the President:

[Signature]
SALVADOR C. MEDIALDEA
Executive Secretary



[Signature]