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14 September 2020

CUSTOMS MEMORANDUM CIRCULAR
NO. 229-2020

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

SUBJECT: Administrative Order No. 32 (s.2020)

Attached is the copy of Memorandum dated 31 August 2020 from the Ms. Grace Karen G. Singson, Undersecretary, Privatization Group and Office of Special Concerns, Department of Finance, endorsing a copy of Administrative Order No. 32 (s.2020), entitled:

"Expediting the Review and Approval Process of Infrastructure Flagship Projects on Water Security"

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
SEP 18 2020



BOC-09-15182

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DEPARTMENT OF FINANCE

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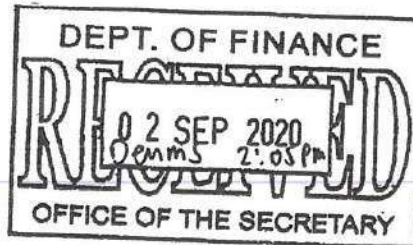
SEP 09 2020



BOC-09-15182

MEMORANDUM FOR THE SECRETARY

BY: [Signature] TIME: 6:08



FOR : SECRETARY CARLOS G. DOMINGUEZ

FROM : *Grace Karen G. Singson*
UNDERSECRETARY GRACE KAREN G. SINGSON
Privatization Group and Office of Special Concerns

TOAU USEC / ASECS / HBA

DATE : 31 August 2020

Internal Admin. Group
Received by: VICKY REYES
Date: 9/11/20
Time: 11:43

SUBJECT : Administrative Order No. 32 (s. 2020), Entitled "Expediting the Review and Approval Process of Infrastructure Flagship Projects on Water Security" *642-163*

We write this memorandum to inform the Secretary of the issuance by the President of Administrative Order ("AO") No. 32 (s. 2020), entitled "Expediting the Review and Approval Process of Infrastructure Flagship Projects on Water Security." A copy of the AO is attached in this memorandum.

SALIENT FEATURES

1. Application. The AO shall apply to the following water projects:
 - a. Identified water-resource projects in the list of infrastructure flagship projects approved by the National Economic and Development Authority ("NEDA") as of 17 February 2020; and
 - b. Other similar projects that will be approved and identified as infrastructure flagship projects by NEDA.

Based on the list of flagship projects (as of 17 February 2020), the following are priority projects on water security:

- a. Angat Water Transmission Improvement Project (to be implemented by the Metropolitan Waterworks and Sewerage System ["MWSS"]);
- b. Aqueduct No. 7 Project (to be implemented by MWSS);
- c. Kanan Dam Project (to be implemented by MWSS);

- d. New Centennial Water Source - Kaliwa Dam (to be implemented by MWSS);
- e. Wawa Bulk Water Supply Project (to be implemented by MWSS);
- f. Bohol Northeast Basin Multipurpose Dam Project (to be implemented by the National Irrigation Administration ["NIA"]);
- g. Chico River Pump Irrigation Project (to be implemented by NIA);
- h. Kabulnan-2 Multipurpose Irrigation and Power Project (to be implemented by NIA);
- i. Malitubog-Marigadao Irrigation Project (to be implemented by NIA); and
- j. Panay River Basin Integrated Development Project (to be implemented by NIA).

2. Acceleration of Evaluation and Approval Process. The AO directs all agencies to prioritize the completion of reviews and approvals of infrastructure flagship projects. Additionally, an application or request for license, clearance, permit or certification is deemed approved upon the occurrence of the following:

- a. The government office or agency fails to approve or disapprove an original application or request for issuance of a license, clearance or permit within the prescribed processing time;
- b. The applicant has submitted all the required documents and paid the regulatory fees; and
- c. The government office or agency does not provide any reason or explanation on why the request was not acted upon.

Regulatory approvals highlighted to be expedited in the AO are environmental approvals¹ and those relating to Indigenous Peoples' Rights.²

3. Active Participation of the Anti-Red Tape Authority ("ARTA"). Consistent with its mandate,³ the AO directs ARTA to perform the following:

- a. Monitor and evaluate compliance of agencies with the ARTA Law;
- b. Ensure that local permits and barangay clearances related to infrastructure water flagship projects on water security are applied, issued and obtained in accordance with the prescribed processing time in the ARTA Law;

¹ Pursuant to Presidential Decree No. 1586 (s. 1978) and AO No. 42 (s. 2002).

² Republic Act ("RA") No. 8371, or the "Indigenous Peoples' Rights Act of 1997."

³ RA No. 9485, or the "Anti-Red Tape Act of 2007."

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- c. Review and recommend to the Office of the President the repeal of outdated, redundant and unnecessary licenses, permits, certifications or authorizations being required by national government offices and local government units.

For the Secretary's information.


GRACE KAREN G. SINGSON



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MALACANAN PALACE
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 32

**EXPEDITING THE REVIEW AND APPROVAL PROCESS OF
INFRASTRUCTURE FLAGSHIP PROJECTS ON WATER SECURITY**

WHEREAS, the State recognizes that investments in adequate infrastructure are necessary to fulfill the commitment of the Philippines under the Sustainable Development Goals of ensuring universal and equitable access to safe and affordable drinking water for all by 2030;

WHEREAS, acceleration of infrastructure development in water resources is one of the key pillars under the Philippine Development Plan 2017 – 2022;

WHEREAS, Section 2 of Republic Act (RA) No. 9485, as amended by RA No. 11032 or the "Ease of Doing Business and Efficient Government Service Delivery Act of 2018," declares it a policy of the State to promote integrity, accountability and proper management of public affairs and public property, as well as to establish effective practices aimed at the efficient turnaround of the delivery of government services and the prevention of graft and corruption in government;

WHEREAS, under Sections 5 and 17(f) of RA No. 9485, as amended, the Anti-Red Tape Authority (ARTA) shall review existing laws, executive issuances and local ordinances, and recommend the repeal of the same if deemed outdated, redundant, and adds undue regulatory burden to the transacting public, as well as recommend policies, processes and systems to improve regulatory management to increase the productivity, efficiency and effectiveness of business permitting and licensing agencies;

WHEREAS, persistent low water levels in existing reservoirs especially those servicing Metro Manila, along with increasing demand and competing use over limited water supply call for the development of new water resources, and acceleration of water infrastructure development as an overarching strategy in pursuit of water security and as an important approach in dealing with the challenges of climate change through innovative interventions and technologies;

WHEREAS, agency processes and procedures have routinely and excessively delayed infrastructure flagship projects on water security resulting in increased costs

THE PRESIDENT OF THE PHILIPPINES

and hampering the delivery of clean, stable, adequate and affordable water to the detriment of the Filipino people;

WHEREAS, there is a need for the National Government to pursue institutional reforms such as streamlining processes of concerned agencies to encourage and guide investments in water supply, sewerage and sanitation, and expedite the approval and processing of infrastructure flagship projects on water security, while respecting property rights and protecting public safety and the environment; and

WHEREAS, Section 17, Article VII of the 1987 Constitution vests in the President the power of control over all executive departments, bureaus and offices, as well as the mandate to ensure faithful execution of laws;

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. Infrastructure Flagship Projects on Water Security. Infrastructure flagship projects on water security refer to the identified water-resource projects in the list of infrastructure flagship projects approved by the National Economic and Development Authority (NEDA) as of 17 February 2020, and shall cover other similar projects that will be approved and identified as such by the National Government pursuant to relevant laws, rules and regulations.

Section 2. Evaluation and Approval Process. All agencies shall give priority to complete reviews and approvals of infrastructure flagship projects on water security, strictly within the processing time and deadlines established by law. If a government office or agency fails to approve or disapprove an original application or request for issuance of license, clearance, permit, certification or authorization within the prescribed processing time, where all the required documents have been submitted and fees paid, and no reason or explanation in writing was provided therefor, the said application or request shall be deemed approved.

For this purpose, the Presidential Adviser for Flagship Programs and Projects (PA-FPP) and the NEDA shall directly coordinate with the head of the relevant issuing agency to establish, in a manner consistent with law, ways to expedite the issuance of pertinent licenses, clearances, permits, certifications or authorizations, especially those required under Presidential Decree No. 1586 (s. 1978), Administrative Order No. 42 (s. 2002) and RA No. 8371 and their implementing rules and regulations.

Section 3. Reports and Sanctions. Consistent with Section 17 of RA No. 9485, as amended, the ARTA shall monitor and evaluate the compliance of agencies with the law, specifically with Sections 9(b), 10 and 11 thereof, and issue notices of warning to erring and/or noncomplying government officials or employees,

Within twenty (20) working days from the submission of complete requirements and every week thereafter, until appropriate action is undertaken on the application for the required license, clearance, permit, certification or authorization, the relevant issuing agency shall submit a written report to the PA-FPP and the NEDA, copy furnishing the ARTA, regarding the status of the application, as well as issues

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encountered and the cause/s for delay or inaction, with advice on the corrective measures that may be undertaken, as appropriate.

Section 4. Expedited Process and Reengineering Systems and Procedures. Heads of relevant agencies shall, within the limits prescribed by law, accelerate the permitting process of all infrastructure flagship projects on water security and render assistance necessary to support the PA-FPP and the NEDA.

The ARTA shall ensure that local permits and barangay clearances related to infrastructure flagship projects on water security shall be applied, issued, and obtained strictly in accordance with the prescribed processing time under RA No. 9485, as amended.

Without prejudice to Sections 2 and 3 above, and Administrative Order No. 23 (s. 2020), the ARTA, within thirty (30) days from the effectivity of this Order, shall review and recommend to the Office of the President the repeal of outdated, redundant and unnecessary licenses, permits, certifications or authorizations being required by national government agencies and local government units in the processing and approval of licenses, permits, certifications or authorizations for all infrastructure flagship projects on water security.

Section 5. Separability. If any part or provision of this Order shall be held unconstitutional or invalid, the other parts or provisions hereof which are not affected shall continue to be in full force and effect.


Section 6. Repeal. All other issuances inconsistent with this Order are hereby repealed or modified accordingly.

Section 7. Effectivity. This Order shall take effect immediately.


DONE, in the City of Manila, this 26th day of August, in the Year of our Lord, Two Thousand and Twenty.

Duterte 

By the President:


SALVADOR C. MEDIALDEA
Executive Secretary



Office of the President
MALACAÑANG RECORDS OFFICE
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ATTY. CONCEPCION ZERVA FERRER-LINO-SMAD
DIRECTOR IV
5-27-20

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DONE, in the City of Manila, this 26th day of August, in the Year of our Lord, Two Thousand and Twenty.

[Handwritten Signature]


By the President:

[Handwritten Signature]
SALVADOR C. MEDIALDEA
Executive Secretary



Office of the President
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[Handwritten Signature]
ATTY. CONCEPCION ZENVE, FERROLINO-SHAD
DIRECTOR IV
5-27-20