

MALACAÑANG PALACE
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

EXECUTIVE ORDER NO. 146

**DELEGATING TO THE NATIONAL ECONOMIC AND DEVELOPMENT AUTHORITY
BOARD THE POWER OF THE PRESIDENT TO APPROVE RECLAMATION
PROJECTS**

WHEREAS, Executive Order (EO) No. 525 (s. 1979) provides that the Public Estates Authority (PEA), presently the Philippine Reclamation Authority (PRA), shall be primarily responsible for integrating, directing, and coordinating all reclamation projects for and on behalf of the national government and that all reclamation projects shall be approved by the President upon recommendation of the PRA;

WHEREAS, EO No. 543 (s. 2006) provides that the power of the President to approve reclamation projects shall be delegated to the PRA, through its governing board, subject to compliance with existing laws and rules and subject to the condition that reclamation contracts to be executed with any person or entity shall go through public bidding;

WHEREAS, EO No. 292 (s. 1987), or the Administrative Code of 1987, provides that the National Economic and Development Authority (NEDA) shall be primarily responsible for formulating continuing, coordinated and fully integrated social and economic policies, plans, and programs, and that the President shall be the Chairperson of the NEDA Board;

WHEREAS, there is a need to ensure that reclamation initiatives or projects are coordinated and integrated at the national and regional levels of development planning and programming, consistent with established national priorities of the government, and synchronized with development planning, programming, and budgeting; and

WHEREAS, the President has the power to reorganize the offices and agencies in the Executive Department in line with the constitutionally-granted power of control over executive offices and by virtue of previous delegation of the legislative power to reorganize executive offices under existing statutes.

NOW, THEREFORE, I, BENIGNO S. AQUINO III, President of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. Approval of Reclamation Projects. The power of the President to approve reclamation projects is hereby delegated to the NEDA Board. The PRA shall continue to process, evaluate and recommend the approval of all proposed reclamation projects to the NEDA Board. Proposed reclamation projects endorsed by the PRA to the NEDA Board should include all relevant documents as may be required by the NEDA

Board, such as but not limited to Letters of Intent, Project Proposals, Pre-Feasibility Studies, draft agreement or contract. Such delegation however shall not be construed as diminishing the President's authority to modify, amend or nullify NEDA Board's action.

The NEDA Board approval shall be required:

- a) For reclamation projects initiated/proposed by PRA or any government entity allowed under existing laws to reclaim land;
- b) For reclamation projects initiated by the private sector/entity through PRA, Local Government Units (LGUs) or other government agencies authorized to reclaim land; and
- c) For reclamations / reclamation components of respective development projects of such agencies mandated to reclaim under their respective charters 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 (PHIVIDEC), Department of Public Works and Highways (DPWH), and National Power Corporation (NPC).

SECTION 2. Powers, Functions, and Mandate of PRA. Except for the power to approve reclamation projects, all other powers, functions, and mandates of PRA shall be retained and exercised by PRA.

SECTION 3. Environmental Compliance Certificate (ECC). Prior to the implementation of reclamation projects duly approved pursuant to Section 1 hereof, an ECC shall be secured from the Department of Environment and Natural Resources (DENR). No reclamation work shall commence without the required ECC.

SECTION 4. Competitive Bidding. All reclamation projects shall undergo competitive public bidding consistent with the government's thrust to promote transparency and competitiveness.

SECTION 5. Transitory Provision. In accomplishing the prescribed provisions herein, the following transitory provisions shall be complied with:

- a) This Order shall apply to all reclamation projects, including those initiated by LGUs and all other government agencies/government owned or controlled corporations including PPA, LLDA, BCDA, SBMA, PHIVIDEC, DPWH, NPC and others, 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.
- b) Within two (2) months after the effectivity of this Order, the PRA shall provide the NEDA Board a list of all reclamation projects approved by PRA and relevant

information, i.e., project location, date approved by PRA, project proponents (government and private entities), total project cost/amount, and implementation period, classified as follows:

- i. Under actual physical reclamation or implementation; and
- ii. Not yet started with implementation or actual physical reclamation but either with duly executed contracts with a private sector proponent or are undergoing/undergone bidding or are yet to undergo bidding.

SECTION 6. Implementing Rules and Regulations. NEDA and PRA shall issue such rules and regulations as may be necessary to implement this Order.

SECTION 7. Separability Clause. Should any provision of this Order be declared invalid or unconstitutional, the other provisions unaffected thereby shall remain valid and subsisting.

SECTION 8. Repealing Clause. All orders, proclamations, rules, regulations, or parts thereof, which are inconsistent with any of the provisions of this Order are hereby repealed or modified accordingly.

SECTION 9. Effectivity. This Order shall take effect immediately.

DONE, in the City of Manila, this 13th day of November, in the year of Our Lord, Two Thousand and Thirteen.

(Sgd.) **BENIGNO S. AQUINO III**

By the President:
(Sgd.) **PAQUITO N. OCHOA, JR.**
Executive Secretary