



Republic of the Philippines
Department of Environment and Natural Resources
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MEMORANDUM

TO : All Bureau Directors

All Regional Executive Directors
DENR Regional Offices

The Directors
Legal Affairs Service
Policy and Planning Service

FROM : The Assistant Secretary
Field Operations-Mindanao and Legislative Affairs

SUBJECT : **INVITATION FROM THE COMMITTEE ON PUBLIC WORKS
AND HIGHWAYS**

DATE : 13 May 2021

This pertains to a letter dated 12 May, from Rep Eleandro Jesus F. Madrona, Chairman, Committee on Public Works and Highways, House of Representatives, inviting DENR to a committee meeting on **19 May 2021 (Wednesday) at 10:00 AM via ZOOM** application **Meeting ID: 839 8139 5322 Passcode: 148425**, for initial deliberation of various house bills and approval of substitute bills. See attached invitation and agenda for your reference

Kindly submit comments and/or position paper in hard and soft at the Legislative Liaison Office at telephone number 8920-1761 and e-mail address denrlegislative@yahoo.com for consolidation.


JOANA A. LAGUNDA, D.M., D.P.A.

MEMO NO. 2021 - 366

Encls: As Stated.
/juo051





Republic of the Philippines
House of Representatives
Quezon City

COMMITTEE ON PUBLIC WORKS AND HIGHWAYS

12 May 2021

MARK A. VILLAR

Secretary

Department of Public Works and Highways (DPWH)
Bonifacio Drive, Port Area, Manila

KARL KENDRICK T. CHUA

Secretary

National Economic Development Authority (NEDA)
6F NEDA Building, Amber Ave., Pasig City

Secretary ADELINO B. SITOY

Presidential Adviser on Legislative Affairs & Head

Office of the President – Presidential Legislative Liaison Office (OP-PLLO)
2nd Floor, Annex, NEB, Malacañang, Manila

ARTHUR P. TUGADE

Secretary

Department of Transportation (DOTr)
Clark Freeport Zone, Mabalacat, Pampanga

WENDEL E. AVISADO

Secretary

Department of Budget and Management (DBM)
Boncodin Hall, General Solano St., San Miguel, Manila

CARLOS G. DOMINGUEZ III

Secretary

Department of Finance (DOF)
DOF Building, BSP Complex, Roxas Boulevard, Metro Manila

RAMON M. LOPEZ

Chairman

Department of Trade and Industry –Board of Investments (BOI)

Industry and Investments Building

385 Senator Gil Puyat Avenue, Makati City

Attention: Dir. Angelita F. Arcellana

BOI-Infrastructure and Services Industries Service

And

Doris Gacho- DTI-CIAP

ALFONSO G. CUSI

Secretary

Department of Energy (DOE)

Energy Center, Rizal Drive, Bonifacio Global City, Taguig City 1632

WILLIAM DAR

Secretary

Department of Agriculture (DA)

4/F DA Annex Building, Elliptical Road

Diliman, Quezon City

BERNADETTE ROMULO-PUYAT

Secretary

Department of Tourism (DOT)

The New DOT Bldg., 351 Sen. Gil Puyat Avenue 1200, Makati City

GREGORIO B. HONASAN II

Secretary

Department of Information and Communications Technology (DICT)

C.P Garcia Ave., Diliman, Quezon City

Philippines 1101

ROY A. CIMATU

Secretary

Department of Environment & Natural Resources (DENR)

2F DENR Building, Visayas Avenue, Quezon City

EDUARDO DEL ROSARIO

Secretary

Department of Human Settlements and Urban Development (DHSUD)

9/F HLURB Building, Kalayaan Avenue cor. Mayaman St., Diliman, Quezon City

LEONOR MAGTOLIS BRIONES

Secretary

Department of Education (DepEd)
DepEd Complex, Meralco Avenue,
Pasig City, Metro Manila

FRANCISCO T. DUQUE III

Secretary

Department of Health (DOH)
San Lazaro Compound, Tayuman, Sta. Cruz, Manila

EDUARDO MANAHAN AÑO

Secretary

Department of Interior and Local Government (DILG)
DILG NAPOLCOM Center, EDSA corner Quezon Avenue, Quezon City

FERDINAND A. PECSON

Executive Director

Public-Private Partnership Center (PPP)
8th Floor, One Cyberpod Centris, Eton Centris, EDSA Ave,
Quezon City 1101

President WILFREDO L. DECENA

Philippine Constructors Association (PCA)
3/F Padilla Bldg., Francisco Ortigas Jr. Avenue,
Ortigas Center, Pasig City

TEODORO T. ENCARNACION

Research, Education, and Institutional Development (REID) Foundation
Attention : **RONILO BALBIERAN**
REID Foundation

EUGENIO JOSE V. LACSON

Governor

Negros Occidental Provincial
Government Provincial Capitol
Building, Gatuslao Street, Bacolod City Negros Occidental

JEFFREY P. FERRER

Vice Governor

Negros Occidental Provincial
Government Provincial Capitol
Building, Gatuslao Street, Bacolod City Negros Occidental

RICARDO P. PRESBITERO, JR.
Former Mayor of the Municipality of Valladolid
Negros Occidental

EDGARDO M. ROSTATA
OIC- Provincial Environment and Natural Resources Officer (PENRO)
Department of Environment and Natural Resources - Negros Occidental
Barangay 39, Bacolod City

ABRAHAM P. SALES
Executive Director
Toll Regulatory Board (TRB)
2F IBP Building, Doña Julia Vargas Ave., Ortigas Center, Pasig City

GREGORIO D. GARCIA III
Chairperson
Bases Conversion and Development Authority (BCDA)
2nd Floor, Bonifacio Technology Center 31st St., corner 2nd Avenue
Bonifacio Global City, Taguig Metro Manila 1634

RAMON A. ANG
President & COO
San Miguel Corporation (SMC)
40 San Miguel Avenue, Mandaluyong City

JAIME AUGUSTO ZOBEL DE AYALA
Chairman & CEO
Ayala Corporation Infra
32F Tower One and Exchange Plaza, Ayala Triangle, Ayala Avenue, Makati City

JON RAMON ABOITIZ
Chairman of the Board
Aboitiz Equity Ventures (AEV) Inc.
NAC Tower, 32nd Street
Bonifacio Global City, Taguig City

ISIDRO A. CONSUNJI
Chairman of the Board
DMCI Holdings, Inc.
3rd Floor Dacon Building, 2281 Don Chino Roces Avenue, Makati City

PATRICK NICHOLAS DAVID
Business Development Head
MTD Philippines, Inc.

Unit 907, Trade and Financial Tower 7th Ave. cor. 32nd St. Bonifacio Global
City,
The Fort Taguig City, Metro Manila

MANUEL LOUIE B. FERRER

Megawide Construction, Inc.
#20 N. Domingo St., Brgy. Valencia, Quezon City 1112

ROBBIE TANADA

AVP for Government Relations
Metro Pacific Tollways Corporation
10th Floor MGO Building, Legaspi cor Dela Rosa Streets
Legaspi Village, Makati City

ROBERTO V. BONTIA

President and General Manager
Metro Pacific Tollways South Corporation
32nd Floor Rufino Pacific Plaza, Rufino cor Ayala Ave, Makati City

LUIGI L. BAUTISTA

President and General Manager
NLEX Corporation
Km. 12 NLEX Compound, Balintawak, East Libis Baesa, Caloocan City

PETER P. MAHER

President and CEO
AF Payments, Inc.
4F MSE Building, Ayala Ave. Makati City 1226 Philippines

LOURDES JOSEPHINE GOTIANUN YAP

President & CEO
Filinvest Development Corporation
6th Floor, The Beaufort Building, 5th Corner 23rd Street,
Bonifacio Global City, Taguig 1634
Metro Manila, Philippines

JOHN FORBES

Chairman
Legislative Committee
American Chamber of Commerce in the Philippines
2/F Corinthian Plaza Building, Paseo de Roxas,
Legaspi Village, Makati City, Metro Manila



CARLOS GAVINO

Technical Advisor on PPP
Asian Development Bank (ADB) Philippines
6 ADB Avenue, Mandaluyong City, 1550 Metro Manila, Philippines

CALIXTO CHIMKIAMCO

President
Foundation for Economic Freedom (FEF)
2/F Corinthian Plaza Building, Paseo de Roxas,
Room 105 PSSC Bldg. Commonwealth Ave., Diliman, Quezon City 1101

GUILLERMO M. LUZ

Private Sector Co-Chair
National Competitiveness Council (NCC) – Philippines
2nd Floor HPGV Building (Former Accelerando),
395 Sen. Gil Puyat Avenue, Makati City

WILFREDO L. DECENA

President
Philippine Constructors Association, Inc. (PCA)
3/F Padilla Bldg., Francisco Ortigas Jr. Avenue, Ortigas Center, Pasig City

Your Honors:

Please be informed that the Committee on Public Works and Highways will hold a virtual Committee meeting on the date and time indicated hereunder:

<u>DATE/TIME</u>	<u>ZOOM LOG-IN DETAILS:</u>
19 May 2021 (Wednesday) 10:00 A.M.	Meeting ID: 839 8139 5322 Passcode: 148425

AGENDA

I. INITIAL DELIBERATION ON THE FOLOWING HOUSE MEASURES:

HB 8151 - An Act Adopting a 30-Year National Infrastructure Program by **Rep. Romeo S.**

Momo;

HB 6531 - An Act Converting The Buluan - Banban - Paguin - Sacpil Provincial Road in the Province Of Apayao, Into A National Road and Appropriating Funds Therefor by **Rep. Elias C. Bulut, Jr.;**

HB 4448- An Act Converting The Kolambugan-Tangkal Provincial Road In The Municipalities Of Kolambugan And Tangkal, Province Of Lanao Del Norte Into A National Road And Appropriating Funds Therefor by **Reps. Abdullah D. Dimaporo and Mohamad Khalid Dimaporo**; and

HR 721- A Resolution Strongly Urging The National Economic And Development Authority (NEDA) And The Department Of Public Works And Highways (DPWH) To Consider The Municipality Of Valladolid Or The City Of Bago, Both In The Province Of Negros Occidental, As The Entry And Exit Points Of The Proposed Bridge Connecting The Province Of Negros Occidental To The Island Province Of Guimaras by **Rep. Juliet Marie Ferrer**.

II. APPROVAL OF THE DRAFT CONSOLIDATED/SUBSTITUTE BILL AND COMMITTEE REPORT ON THE FOLLOWING MEASURES APPROVED DURING PREVIOUS MEETINGS (pending comments from the Committees on Appropriation and/or Ways & Means):

NATIONAL BILLS

PUBLIC-PRIVATE PARTNERSHIP (PPP) RATIONALIZATION ACT

(Approved by the Committee on 18 February 2021)

HB 77 by Rep. Joey Sarte-Salceda; **HB 1244** by Rep. Luis Raymund F. Villafuerte, Jr.; **HB 4873** by Rep. Rufus B. Rodriguez; **HB 5452** by Rep. Geraldine B. Roman; and **HB 6575** by Rep. Sharon S. Garin.

LAND TRANSPORT SUPPORT FACILITIES FOR HYGIENE AND CONVENIENCE ACT

(Approved by the Committee on 25 January 2021)

HB 28 by Rep. Evelina G. Escudero; **HB 4756** by Rep. John Marvin "Yul Servo" C. Nieto; and **HB 4872** by Rep. Rufus B. Rodriguez.

PHILIPPINE BUILDING ACT

(Approved by the Committee on 19 November 2020)

HB 175 by Rep. Helen D.L. Tan, M.D.; **HB 238** by Rep. Alfred Vargas; **HB 825** by Rep. Aurelio D. Gonzales, Jr.; **HB 923** by Rep. Bayani F. Fernando; **HB 4008** by Reps. Michael Odylon L. Romero and Enrico A. Pineda; **HB 5605** by Rep. Romeo S. Momo, Sr.; **HB 364** by Rep. Victor A. Yap; **HB 1650** by Rep. Manuel D. Cabochan III; **HB 1891** by Rep. Alfred Vargas; **HB 723** by Rep. Lucy Torres-Gomez; **HB 6820** by Rep. David C. Suarez; **HB 7334** by Rep. Luis Raymund F. Villafuerte, Jr.; **HR 32** by Reps. Enrico A. Pineda and Michael Odylon L. Romero; and **HR 132** by Rep. Alfred Vargas.

BARANGAY ROAD DEVELOPMENT PROGRAM (BRD) (Approved by the Committee on 26 November 2019) **HB 1344** by Rep. Mark O. Go.

LOCAL BILLS

ROAD CONVERSION

HBs 5575, 5577, 5578, 5676 by Rep. Cyrille "Beng" F. Abueg-Zaldivar; **HBs 6581, 6583, 6584** by Rep. Eleandro Jesus F. Madrona; **HBs 730, 4326, 4789** by Rep. Maximo Y. Dalog Jr.; **HB 4053** by Rep. Arnolfo A. Teves, Jr.; **HB 6530** by Reps. Elias C. Bulut, Jr. & Samantha Louise Vargas-Alfonso; **HBs 1046, 1047** by Rep. Kristine Meehan-Singson; **HBs 2061, 2062, 2063, 2064** by Rep. Weslie T. Gatchalian; **HBs 2375, 4279** by Rep. Florida P. Robes; **HBs 6245, 6246** by Rep. Isagani S. Amatong; and **HBs 2800, 2814, 2815, 2816, 2817, 2818, 2819, 2820, 2821, 2822, 2823** by Rep. Rufus B.



Rodriguez.

CONSTRUCTION OF ROADS AND BRIDGES

HB 630 by Rep. Joel Mayo Z. Almario; **HB 912** by Rep. Aurelio "Dong" Jr. D. Gonzales; **HB 2152** by Reps. Abdullah D. Dimaporo, and Mohamad Khalid Q. Dimaporo; **HBs 2799, 2824, 2825** by Rep. Rufus B. Rodriguez; **HB 3269** by Reps. Aleta C. Suarez, Joey Sarte Salceda, Josefina B. Tallado, Marisol C. Panotes, Luis Raymund "Lray" F. Villafuerte Jr., Ferdinand Martin G. Romualdez, David C. Suarez, Anna Marie Villaraza-Suarez and Angelina "Helen" D.L. Tan, M.D.; **HB 3528** by Rep. Emmarie "Lolypop" Ouano-Dizon; **HB 3545** by Rep. Florida "Rida" P. Robes; **HBs 3862, 3863** by Rep. Joel Mayo Z. Almario; **HB 4126** by Rep. Ramon V. Guico, III; **HBs 4737, 7166** by Rep. Mohamad Khalid Q. Dimaporo; **HB 5269** by Rep. Aleta C. Suarez; **HB 6065** by Rep. Roger G. Mercado; **HB 7145** by Rep. Alfred Vargas; **HB 7187** by Rep. Cheryl P. Deloso-Montalla.

NAMING/RENAMING OF ROADS & BRIDGES

HB 7999 by Rep. Frederick W. Siao; **HB 8010** by Rep. Edgar M. Chatto; **HB 8011** by Rep. Edgar M. Chatto; **HB 8119** by Rep. Gabriel H. Bordado Jr.; and **HB 8175** by Rep. Alan "Aldu" R. Dujali.

DISTRICT ENGINEERING OFFICES

HB 3438 by Rep. Vilma Santos-Recto; **HB 3482** by Rep. Mario Vittorio Mariño; **HB 3538** by Rep. Resurreccion M. Acop; **HBs 4220, 6665** by Teodorico T. Haresco; **HB 4412** by Rep. Faustino Dy; **HB 3507** by Rep. Vincent J. Garcia; **HB 6072** by Rep. Roger G. Mercado; **HB 6097** by Reps. Janice Z. Salimbangon, Pablo John F. Garcia, Wilfredo S. Caminero, Vincent Franco Frasco, Emmarie Ouano-Dizon, Paz C. Radaza & Peter John Calderon; **HB 6229** by Rep. Gerardo P. Valmayor, Jr.; **HB 6461** by Rep. Luisa Lloren Cuaresma; and **HB 6525** by Rep. Alan R. Dujali.

Attached is the copy of the Agenda of the meeting for your reference. Copies of the abovementioned bills can be downloaded at www.congress.gov.ph.

The Committee will strictly implement the one (1) representative per agency rule. We will appreciate receiving your confirmation or your representative's name and designation before the meeting date to be emailed at cpwhor@yahoo.com.

Furthermore, for proper identification in the Zoom meeting, please rename yourselves, indicating the agency you represent first, your designation and then your full name.

Thank you.

Very truly yours,

FOR CHAIRMAN ELEANDRO JESUS F. MADRONA:



AILEEN UY DAPURAN
Committee Secretary





Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

EIGHTEENTH CONGRESS
Second Regular Session

ZOOM MEETING of the
COMMITTEE ON PUBLIC WORKS AND HIGHWAYS

19 MAY 2021 (Wednesday), 10:00 A.M.

A G E N D A

- I. INVOCATION**
- II. CALL TO ORDER / ROLL CALL**
- III. APPROVAL OF MINUTES OF THE PREVIOUS MEETING (18 February 2021)**
- IV. PRELIMINARY REMARKS OF THE CHAIRMAN, HON. ELEANDRO JESUS F. MADRONA**
- V. ACKNOWLEDGMENT OF RESOURCE PERSONS**
- VI. INITIAL DELIBERATION ON THE FOLLOWING HOUSE MEASURES:**
 - HB 8151** - An Act Adopting a 30-Year National Infrastructure Program by **Rep. Romeo S. Momo**;
 - HB 6531** - An Act Converting The Buluan - Banban - Paguin - Sacpil Provincial Road in the Province Of Apayao, Into A National Road and Appropriating Funds Therefor by **Rep. Elias C. Bulut, Jr.**;
 - HB 4448** - An Act Converting The Kolambugan-Tangkal Provincial Road In The Municipalities Of Kolambugan And Tangkal, Province Of Lanao Del Norte Into A National Road And Appropriating Funds Therefor by **Reps. Abdullah D. Dimaporo and Mohamad Khalid Dimaporo**; and
 - HR 721** - A Resolution Strongly Urging The National Economic And Development Authority (NEDA) And The Department Of Public Works And Highways (DPWH) To Consider The Municipality Of Valladolid Or The City Of Bago, Both In The Province Of Negros Occidental, As The Entry And Exit Points Of The Proposed Bridge Connecting The Province Of Negros Occidental To The Island Province Of Guimaras by **Rep. Juliet Marie Ferrer**.
- VII. APPROVAL OF THE DRAFT CONSOLIDATED/SUBSTITUTE BILL AND COMMITTEE REPORT ON THE FOLLOWING MEASURES (pending comments from the Committees on Appropriation and/or Ways & Means):**
 - **NATIONAL BILLS**
 - ❖ **PUBLIC-PRIVATE PARTNERSHIP (PPP) RATIONALIZATION ACT**
HB 77 by Rep. Joey Sarte-Salceda; **HB 1244** by Rep. Luis Raymund F. Villafuerte, Jr.; **HB 4873** by Rep. Rufus B. Rodriguez; **HB 5452** by Rep. Geraldine B. Roman; and **HB 6575** by Rep. Sharon S. Garin.
 - ❖ **LAND TRANSPORT SUPPORT FACILITIES FOR HYGIENE AND CONVENIENCE ACT**
HB 28 by Rep. Evelina G. Escudero; **HB 4756** by Rep. John Marvin "Yul Servo" C. Nieto; and **HB 4872** by Rep. Rufus B. Rodriguez.



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❖ **BARANGAY ROAD DEVELOPMENT PROGRAM (BRD)**

HB 1344 by Rep. Mark O. Go.

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❖ **DISTRICT ENGINEERING OFFICE**

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VIII. OTHER MATTERS

IX. ADJOURNMENT

Invited Guests / Resource Persons:

For PPP

Department of Public Works & Highways (DPWH)
Office of the President – Presidential Legislative Liaison
Office (OP-PLLO)
Public-Private Partnership Center (PPP)
Toll Regulatory Board (TRB)
Department of Environment & Natural Resources (DENR)
Department of Energy (DOE)
Department of Transportation (DOTr)
National Economic Development Authority (NEDA)
Department of Budget and Management (DBM)
Department of Finance (DOF)
Department of Trade & Industry - Board of Investments
(DTI-BOI)
Bases Conversion and Development Authority (BCDA)
San Miguel Corporation (SMC)
Ayala Corporation Infrastructure Holdings Corp.
Aboitiz InfraCapital
DMCI Holdings, Inc.
MTD Philippines, Inc.
Megawide Construction
AF Payments, Inc.
Filinvest Development Corporation
Metro Pacific Tollways Corporation
NLEX Corporation
Asian Development Bank (ADB)
American Chamber of Commerce in the Philippines
Foundation for Economic Freedom (FEF)
National Competitiveness Council (NCC) - Philippines
Philippine Constructors Association, Inc. (PCA)

For HR 721

DPWH
NEDA
DBM
DENR Reg. VI (PENRO)
Provincial Government of Negros Occ.
Governor Eugenio Jose V. Lacson
Vice Governor Jeffrey P. Ferrer

For HB 8151

DPWH
NEDA
OP-PLLO
DOTr
DBM
DOF
DTI
DOE
PPP
Department of Agriculture (DA)
Department of Tourism (DOT)
Department of Information and Communications Technology
(DICT)
Department of Human Settlements and Urban Development
(DHSUD)
Department of Education (DepEd)
Department of Health (DOH)
Department of the Interior & Local Government (DILG)
PCA
Research, Education, and Institutional Development (REID)
Foundation

Note:

Media access – viewing only

**For livestreaming on HRep Facebook Page*

**Meeting to be posted in the web*

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Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

Eighteenth Congress
First Regular Session

HOUSE BILL NO. 6531



Introduced by REPRESENTATIVE ELIAS C. BULUT, JR.

EXPLANATORY NOTE

This bill seeks to convert the Buluan-Banban-Puguin-Sacpil Provincial Road in the Province of Apayao into a national road.

This provincial road links the Province of Apayao to the Province of Kalinga, and thereafter the Province of Abra. It is a 13.08 kilometers road reckoning at junction of K0550+420, of Abbut-Conner national road at Barangay Buluan of Conner, Apayao and passes through barangays Banban, Puguin, Sacpil all of Conner, Apayao then exits to Barangay Taggay of the Municipality of Pinukpuk, Province of Kalinga. The road provides the shortest access between the Municipality of Kabugao and the City of Tabuk which are the provincial capitals of Apayao and Kalinga Provinces respectively.

Buluan-Banban-Puguin-Sacpil provincial road is an all-weather road which provides access to key economic activities such as agriculture, trade, tourism and local industries. It serves large productive lands planted with rice, corn and high value crops like lanzones and rambutan. Transport of goods and people between Apayao and Kalinga have seen marked growth in the past years as a result of the improvements undertaken by the Provincial Government of Apayao and Department of Public Works and Highways (DPWH) under its construction of missing links project. At present, a total of 10.64 kilometers have been paved and 1 bridge constructed, which meet the national road standard set by DPWH.

The cost of maintaining the said road however requires more funds which the provincial government cannot provide given its meager sources.

With the proposed road conversion, the DPWH will realize one of its priority goals in building connectivity towards regional integration, in this case an East-West Lateral route connecting Apayao, Kalinga and Abra as well as Ilocos and Cagayan on the both ends. The conversion will likewise directly impact on economic activities with the improved access to productive agricultural lands, commerce and trade between the provinces, and travel and tourism.

In view of the foregoing, approval of this Bill is earnestly sought.


REP. ELIAS C. BULUT, JR.

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

Eighteenth Congress
First Regular Session

HOUSE BILL NO. 6531

Introduced by REPRESENTATIVE ELIAS C. BULUT, JR.

AN ACT
CONVERTING THE BULUAN-BANBAN-PAGUIN-SACPIL PROVINCIAL ROAD IN
THE PROVINCE OF APAYAO, INTO A NATIONAL ROAD AND APPROPRIATING
FUNDS THEREFOR

Be it enacted by the Senate and the House of Representatives of the Philippines in Congress assembled:

SECTION 1. The Buluan-Banban-Puguin-Sacpil Provincial Road in the Province of Apayao is hereby converted into a national road under the supervision of the Department of Public Works and Highways.

SECTION 2. The Secretary of Public Works and Highways shall include in the Department's program the improvement, repair and maintenance of the said road, the funding of which shall be included in the Annual General Appropriations Act.

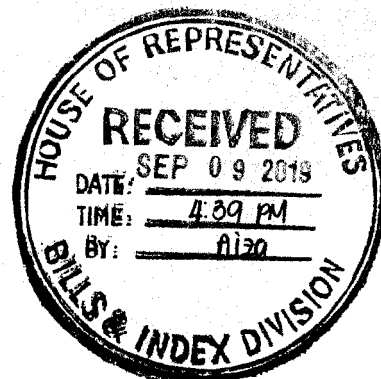
SECTION 3. This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved,

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 4448



Introduced by Rep. Abdullah D. Dimaporo and Rep. Mohamad Khalid Q. Dimaporo

EXPLANATORY NOTE

This bill seeks to convert the Kolambugan Tangkal Road in the Municipalities of Kolambugan and Tangkal, Province of Lanao del Norte into a national road and appropriating fund for the improvement and maintenance thereof.

The beneficial impacts of roads on production and on poverty alleviation are well-recognized in all parts of the world. Roads provide great benefits to the people, such as improving rapid and emergency access to hospitals, increasing attendance of children in schools, stimulating agricultural production by providing access to markets, and helping in the transition from pure subsistence to market-oriented production. A high-quality road increases the population's mobility and ability to earn. Accessible road brings not only ease of transportation but a whole lot of new opportunities. The government's continued efforts to strengthen the economy should include prioritizing the rehabilitation of our roads for the community to better respond to the demands of a more fast-paced and dynamic way of life.

Although a provincial road already exists connecting Kolambugan at the Iligan-Aurora National Road to Tangkal at the Interior Circumferential of Lanao del Norte National Road, the local government lacks the budget to put its maintenance as a priority. Converting the Kolambugan-Tangkal Provincial Road into a national road will definitely facilitate agricultural and rural development in the area, primarily in the marketing of the products of the towns in Lanao del Norte: abaca fiber and products from Iligan City, dried seaweeds from Kolambugan, ceramics from Baroy and peanuts from Kauswagan. The road's annual funding from the national government will also ensure its maintenance and rehabilitation. Thus, providing a better life for the people of the Province.

In view of the foregoing, approval of this bill is earnestly sought.

ABDULLAH D. DIMAPORO
Second District, Lanao del Norte

MOHAMAD KHALID Q. DIMAPORO
First District, Lanao del Norte

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 4448

Introduced By : Rep. Abdullah D. Dimaporo and Rep. Mohamad Khalid Q. Dimaporo

AN ACT CONVERTING THE KOLAMBUGAN-TANGKAL PROVINCIAL ROAD IN THE MUNICIPALITIES OF KOLAMBUGAN AND TANGKAL, PROVINCE OF LANA DEL NORTE INTO A NATIONAL ROAD AND APPROPRIATING FUNDS THEREFOR

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

SECTION. 1. The provincial road connecting the Municipalities of Kolambugan and Tangkal, Province of Lanao del Norte is hereby converted into a national road under the supervision of the Department of Public Works and Highways.

SEC. 2. The Secretary of Public Works and Highways shall include in its program the improvement, maintenance and repair of the said road, the funding of which shall be included in the annual General Appropriations Act.

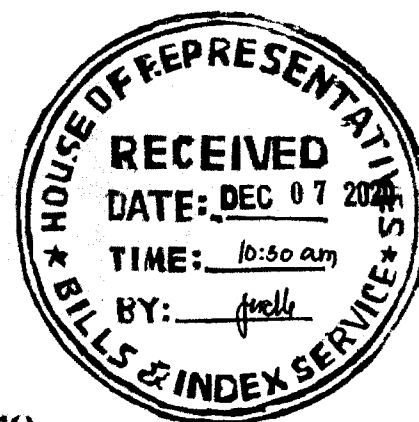
SEC. 3. This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved,

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. 8151
Introduced by **REPRESENTATIVE ROMEO S. MOMO**



AN ACT ADOPTING A 30-YEAR NATIONAL INFRASTRUCTURE PROGRAM

EXPLANATORY NOTE

A safe, strong, efficient, and accessible national infrastructure backbone is vital to foster the sustainable and inclusive socio-economic development of the present and future generations of Filipinos. This national infrastructure system should help realize the long-term vision for the Philippines by the middle of this century as a progressive, mainly middle-class society, where nobody is poor, where the citizens enjoy healthy lives, are smart and innovative, and live in a high-trust community.

Given that major infrastructure facilities are generally capital-intensive, that their preparation and implementation take several years, and that their impact and useful lives usually cover two decades or more, it is imperative to adopt an overall long-term development program for national infrastructure, in addition to and in order to better rationalize the traditional medium-term and annual programs. This long-term program should cover at least 30 years. This will ensure continuity in the development and implementation of the projects in the program, notwithstanding changes in national leadership. The Program will provide the guiding framework for the appropriate locations, scales, linkages, and schedules of public and private investments in major infrastructure in the country over the next three decades in order to maximize their benefits to the economy. This will, thus, serve as a predictable road map for the construction industry, investors, and related business sectors in carrying out their long-term plans and decisions.

The adverse effects of the recent spate of destructive typhoons and floods, coupled with the COVID pandemic, further highlight the need for strategic infrastructure projects based on an overall long-term program in order to better use scarce funds to provide more effective and lasting engineering and related measures to address these calamities.

This bill, therefore, adopts a 30-Year National Infrastructure Program for the Philippines for 2023-2052. The Program covers major infrastructure projects of the National Government (NG) - in the fields of transport, energy, water resources, information and communications technology, and social infrastructure - including projects under Public-Private Partnership (PPP) schemes and partnerships with Local Government Units (LGUs).

Section 5 of the bill lays down the policies and strategies to be pursued by the Government in order to develop the component national infrastructure projects.

In Section 6, the bill provides the initial list and brief description of core national infrastructure projects to be given priority in the 30-Year Program. The list focuses on projects of national significance - or the country's infrastructure backbone - and excludes projects of local impact which are expected to be crafted by the concerned Agencies to complement the core

- e. **Information and communications technology (ICT)** – refers to facilities that provide access to information through telecommunications., including the internet, wireless networks, telephone systems, and other communication media.
- f. **Social infrastructure** – refers to school buildings, hospitals and health facilities, public housing, solid waste management, penitentiary, and other public and community facilities.
- g. **Core infrastructure projects** – refer to projects in the 30-Year National Infrastructure Program with the highest priority in terms of national significance and impact.

SEC. 4. Adoption of 30-Year National Infrastructure Program. – A 30-Year National Infrastructure Program for the Philippines for the Years 2023-2052 is hereby adopted. This Program consists of major infrastructure projects of the National Government (NG) to be implemented by the concerned National Government Agencies (NGAs) and Government-Owned and Controlled Corporations (GOCCs) as provided under their respective charters, including projects under Public-Private Partnership (PPP) schemes and partnerships with Local Government Units (LGUs).

SEC. 5. Policies and Strategies. - The 30-Year National Infrastructure Program through its component projects shall pursue the following national development policies and strategies of the Government:

a. General:

1. Ensure that the Program consists of projects of national significance which are consistent with the National Physical Framework Plan and Land Use Plan, as well as with Regional Development Plans.
2. Select, prioritize, and phase the projects in the program based on the following principles:
 - a) Effectiveness in meeting government objectives.
 - b) Economic feasibility and impact.
 - c) Social inclusion.
 - d) Environmental sustainability.
 - e) Safety.
 - f) Security
 - g) Affordability.
 - h) Public access.
 - i) Technical readiness for implementation.

3. Encourage private sector participation in the planning, development, financing, design, construction, operation, and maintenance of infrastructure.
 4. Ensure infrastructure asset preservation.
 5. Incorporate climate change adaptation and disaster resilience measures, as well as updated strength, safety, health, and environmental standards, in the design and construction of infrastructure projects, especially against powerful/disastrous typhoons, floods, earthquakes, fires, volcanic eruptions, landslides, and other hazards.
 6. Intensify infrastructure-related research and development.
 7. Give priority to multi-sectoral, multi-modal and area-wide development projects to take advantage of their synergistic effects.
 8. Ensure that projects cover complete functional structures, and provide for continuity in funding and implementation of multi-year projects up to their completion.
- b. Transport Infrastructure:
1. Develop a national transport system with the following characteristics: efficient in facilitating mobility, safe, economical, accessible, affordable, environmentally sustainable, user-oriented, reliable, convenient, integrated, and seamless.
 2. Establish a strategic national transport network consisting of complementary roads, rail, ports, and airports that serve medium and long-distance high-density traffic between key cities and municipalities, economic hubs, international gateways, or along major corridors in urban centers. The configuration of the network should fit into and influence the desired spatial development pattern under the National Physical Framework Plan.
 3. Plan and implement transport projects within the context of the entire supply chain and logistics to link production areas with processing, warehousing, transport and transshipment hubs, and markets.
 4. Focus the role of the Government in infrastructure provision, policy formulation, planning, safety and environmental regulations, supervision, and monitoring of projects and operations, rather than as a direct provider of transport services which shall generally be assigned to the private sector.
 5. Optimize the use of funds through efficient transport infrastructure maintenance and asset management before considering additional investments.
 6. Make use of the comparative advantages and interconnectivity of the different transport modes, and provide for healthy competition within and between transport modes to increase productivity, lower costs and user charges, and improve services.

7. Apply the user-pays principle for cost recovery where it is appropriate.
8. Improve road-based transport to address traffic congestion through engineering, enforcement, and education.
9. Encourage shift from private to public transport, especially on mass transport.
10. Improve the operational efficiency of airports and address constraints to their optimal capacity utilization.
11. Improve port facilities to ensure that inter-island shipping, including a stronger roll-on roll-off (RORO) network, is a viable option for transporting people and cargo.
12. Strengthen transport infrastructure to support agriculture, tourism, trade and industry.

c. Energy Infrastructure

1. Support the required massive investments and fast track the implementation of infrastructure projects to improve power generation.
2. Encourage competition to drive down electricity costs.
3. Pursue development of the natural gas industry, as well as renewable energy such as wind and solar.
4. Ensure efficient transmission of electricity to various load centers and interconnect the entire grid.
5. Prioritize provision of electricity services to the remaining unelectrified off-grid, island, remote, and last-mile communities.
6. Continue the implementation of energy efficiency and conservation program.

d. Water Resources Infrastructure

1. Create an apex body that will address the fragmented structure of water resources management.
2. Formulate long-range water resources master plans and multi-purpose projects that will optimize the development and use of water resource potentials for irrigation, power, water supply, and flood control.
3. Pursue institutional reforms such as streamlining processes in involved agencies to encourage and guide investments in water supply, sewerage, and sanitation.

4. Update the irrigation master plan to set the direction for irrigation development and a framework for capital and operations and maintenance financing of irrigation projects.
5. Intensify flood control in major river basins and urban centers, combining structural or engineering intervention works with non-structural measures, such as land use management, watershed conservation, and flood information and warning system, on an area/river system-wide basis, with priority on areas with high risks of flooding.

e. ICT Infrastructure

1. Provide digital infrastructure to complement the national broadband plan, geared towards increasing internet access in unserved and underserved areas.
2. Expand the deployment of ICT infrastructure and address the gaps in digital connectivity.
3. Enhance the country's e-government system as a vital tool for good governance.
4. Use ICT to provide climate-smart and resilient infrastructure, such as flexible smart power grids that can accommodate renewable energy sources, early warning systems for natural hazards, sustainable transport systems that enable public transit, walking, and biking, safety-promoting roadway designs that integrate wastewater management, rainwater harvesting, nature-based solutions to floods, droughts, and typhoons, and green infrastructure in public spaces.
5. Ensure a fair and level playing field for ICT operators by applying the same service obligations and performance standards.
6. Fast-track and lower the cost of deploying broadband infrastructure through infrastructure sharing policies that address the use of government assets, use of infrastructure across sectors, and coordinated build for a shared utility corridor.
7. Avoid direct government investment in network infrastructure and operations; develop a transition plan, including regulatory framework for open access and non-discriminatory pricing, for the national broadband network (NBN) and free wi-fi programs to be transitioned to the private sector.
8. Streamline the process for permits for cellular towers, cable laying, and network deployment.
9. Liberalize access to satellites for internet connectivity to help address digital infrastructure gap in the countryside.
10. Prepare for 5G or higher generation technology as a game changer in terms of facilitating digital adoption across sectors.

f. Social Infrastructure

1. Construct or improve schools with facilities for online or distance learning, and provide internet connectivity to all public schools, with the aim of creating Schools for the Future, and schools geared towards competitiveness in the Fourth Industrial Revolution.
2. Construct and develop of modern health facilities that will complement the Universal Health Care Law and national preparedness for surges in demand for pandemics, as well as climate-smart technologies and wellness facilities promoting preventive care against diseases.
3. Construct and improve social housing projects and resettlement areas that adhere to climate change adaptation and disaster risk reduction standards to ensure human, environmental, and ecological safety, as well as access to basic social services, which include communal solar-powered electricity, potable water and drainage, and waste management systems.
4. Provide assistance to LGUs in complying with the requirements under the Ecological Solid Waste Management Act. Promote proper waste management through public awareness programs and invest in relevant technologies to improve solid waste management throughout the country.
5. Construct, improve and renovate prison infrastructure to decongest existing jails and provide humane accommodations, e.g., potable water and proper sanitation facilities, complying with health standards for persons deprived of liberty (PDL).

g. Agri-Supportive Infrastructure

1. Construct, improve, and renovate of infrastructure for the agri-fishery industry geared towards food security and agricultural resilience.
2. Prioritize a network of roads, rail, ports and RORO, airports, irrigation, and warehouses, based on the food supply and logistics chain.

SEC. 6. Core National Infrastructure Projects. - The 30-Year National Infrastructure Program shall give priority to the following initial list of core infrastructure projects:

a. **Transport Infrastructure:**

1. Road Transport:

- a) Inter-regional and regional roads and expressways in major road transport corridors of the country:
 - 1) North Luzon Expressway to Ilocos Region.
 - 2) North Luzon East Expressway to Cagayan Valley.
 - 3) Central Luzon East-West Links: Nueva Ecija-Tarlac, Tarlac-Zambales.
 - 4) South Luzon Expressway to Bicol Region, along the Pan-Philippine Highway Corridor.
 - 5) Luzon Eastern Seaboard Highway, Sta. Ana, Cagayan-Atimonan, Quezon.
 - 6) Dalton Pass East Alignment Alternative Road.

- 7) Laguna Lake Circumferential Expressway.
- 8) Cavite-Tagaytay-Batangas Expressway.
- 9) Luzon Iconic Bridge Projects for Socioeconomic Development.
- 10) Panay Expressway, Iloilo-Roxas-Malay.
- 11) Negros Occidental Expressway, Silay-Kabankalan.
- 12) Samar-Leyte Expressway along the Pan-Philippine Highway Corridor.
- 13) Mindanao North-South Expressway along the Pan-Philippine Highway Corridor, Surigao-Davao-General Santos-Cotabato-Zamboanga City.
- 14) Northern Mindanao East-West Expressway, Butuan-Cagayan de Oro-Iligan-Pagadian.
- 15) Central Mindanao Expressway, Cagayan de Oro-Bukidnon-Davao City.
- 16) Davao City Coastal Road.
- 17) Road Network Development Project in Conflict-Affected Areas in Mindanao.
- 18) Major inter-island bridges/links - Bataan-Cavite, Batangas-Mindoro, Sorsogon-Samar, Panay-Guimaras-Negros, 4th Cebu-Mactan, Cebu-Negros, Samal-Davao City.
- 19) Major RORO systems: Eastern, Central, and Western Networks.

b) Metropolitan and urban road and expressway systems:

- 1) Metropolitan Manila Circumferential 5 Southlink Expressway.
- 2) Metropolitan Manila Circumferential 6 Expressway.
- 3) Metropolitan Cebu Expressway.
- 4) Bohol Bypass Road.
- 5) Metropolitan Davao Expressway.
- 6) Metropolitan Manila Logistics Network, particularly Bridges.

2. Rail and Other Mass Transport:

a) Long-haul rail systems:

- 1) Manila to Clark Airport and other parts of North Luzon.
- 2) Manila to the Bicol Region.
- 3) Subic-Clark Railway.
- 4) Mindanao Rail Network, Tagum-Davao-Digos, with extensions to Butuan, Cagayan de Oro, General Santos, Iligan, Surigao and Zamboanga.

b) Urban commuter rail systems:

- 1) Metro Manila Subway, San Jose del Monte-Quezon City-Makati-Taguig-Pasay-Paranaque-Las Pinas-Dasmarinas.
- 2) North-South Commuter Rail, Malolos-Calamba.
- 3) Light Rail Transit (LRT) 6, Bacoar-Dasmarinas.
- 4) Mass Rail Transit (MRT) 4, Ortigas-Tayta.
- 5) C5 MRT 10, Ninoy Aquino International Airport-Commonwealth Ave, Quezon City.
- 6) MRT-11, EDSA-Quirino-San Jose del Monte.
- 7) Cebu Monorail Transit, Central and Airport Lines.

c) Urban bus transit systems and other projects:

- 1) Metro Manila Bus Rapid Transit (BRT) Line 1, Quezon Ave-Espana.
- 2) Metro Manila EDSA BRT.
- 3) EDSA Greenways Project.
- 4) Intelligent Transport System for Mega Manila.
- 5) Cebu BRT.
- 6) Davao Public Transport Modernization Project.

3. Ports

- a) Batangas and Subic Ports to complement Manila Ports.
- b) Iloilo Port.
- c) Cebu Container Port.
- d) Davao Sasa Port.
- e) General Santos Port.

4. Airports

- a) Mega Manila Airport System.
 - 1) Improved Ninoy Aquino International Airport.
 - 2) Bulacan Airport.
 - 3) Sangley Airport.
- b) Regional Airports:
 - 1) Puerto Princesa.
 - 2) Iloilo.
 - 3) Kalibo.
 - 4) Bacolod-Silay.
 - 5) New Bohol (Panglao).
 - 6) New Zamboanga.
 - 7) Laguindingan.
 - 8) Davao.

5. Intermodal Transport

Terminals for interface of buses/other modes in Metropolitan Manila, Metropolitan Cebu, Metropolitan Davao, and high-density urban areas.

b. Energy Infrastructure

1. Generation

Total additional capacity of 43,765 megawatts, including Agus-Pulangi Rehabilitation.

2. Distribution

100% national electrification coverage.

c. **Water Resources Infrastructure**

1. Water Supply and Sanitation

a) Metro Manila

- 1) Kaliwa Dam, 600 million liters per day (MLD)
- 2) Kanan/Agos River, 3,800 MLD
- 3) Laguna Lake, 5,000 MLD
- 4) New Wawa Dam, 400 MLD

b) Other Urban Areas: 100% Level III service coverage.

c) Rural Areas: at least 90% Level I service coverage.

2. Irrigation

Total additional 1,400,000 hectares by 2050, including the following:

- a) Ilocos Norte Irrigation Project.
- b) Gregorio Del Pilar Impounding Project, Ilocos Sur.
- c) Chico River Irrigation Project, Cagayan and Kalinga.
- d) Tumauini River Multipurpose Project, Isabela.
- e) Balog-Balog Multi-Purpose Project, Tarlac.
- f) Jalaur River Multi-Purpose Project, Iloilo.
- g) Panay River Basin Integrated Development Project.
- h) Bohol Northeast Basin Multipurpose Project.
- i) Malitubog-Maridagao Irrigation Project, North Cotabato and Maguindanao.
- j) Kabulnan-2 Multipurpose Irrigation and Power Project.

3. Flood Control and Drainage

a) Metro Manila and Surrounding Areas Flood Control, including the following:

- 1) Pasig-Marikina River Channel Improvement.
- 2) Marikina Multipurpose Dam.
- 3) Paranaque Spillway.
- 4) Laguna Lakeshore Flood Protection.
- 5) River Improvements of Other Rivers.
- 6) Urban Drainage Systems.

b) Flood Control in Other Major River Basins:

- 1) Agno
- 2) Abra
- 3) Abulog-Apayao
- 4) Cagayan
- 5) Pampanga
- 6) Bicol
- 7) Panay
- 8) Jalaur
- 9) Ilog-Hilabangan
- 10) Tagaloan
- 11) Cagayan de Oro
- 12) Mindanao (Rio Grande)
- 13) Buayan-Malungon
- 14) Davao
- 15) Tagum-Libuganon
- 16) Agus

c) Other Major Urban Areas, including Cavite Industrial Area and Metro Cebu.

d. ICT Infrastructure

1. National Broadband Network (NBN), with universal access and internet connectivity.
2. ICT Capability Development and Management Program.
3. Activation of nodes using the National Grid's spare fiber to cascade capacity to growth areas in Luzon, Visayas, and Mindanao
4. Cable landing stations with submarine cable to bring in more links to the international gateway.

e. Social Infrastructure

1. School Buildings

- a) Additional K-12 public classrooms to cover 100% of children of school age.
- b) Provision of digital infrastructure to all schools to support online or distance learning.

2. Hospitals and Health Facilities

- a) Upgrading of all current Government Infirmaries and Municipal and District Hospitals to Level 1 Hospitals with at least 50-bed capacity.
- b) Establishment of one Level 2 250-bed Provincial Hospital in all provinces.
- c) Upgrading of all Provincial Hospitals into Level 2 Hospitals with at least 250 beds.
- d) Upgrading of all current Department of Health (DOH) Infirmaries and Level 1 Hospitals into Level 2 Hospitals.
- e) Upgrading of all current Level 2 DOH Hospitals into Level 3.
- f) Establishment of Regional Specialty Centers in selected DOH Level 3 Hospitals.
- g) Development of identified DOH Specialty Hospitals as Apex Specialty Center.
- h) Ultimately, provision of the following facilities by 2050:
 - 1) At least one Level 2 250-bed Hospital per Municipality/City.
 - 2) At least one Level 3 250-bed Provincial Hospital per Province.
 - 3) At least one Regional Specialty Hospital per Region.

3. Solid Waste Management

Projects in major Cities and Municipal Centers.

4. Penitentiary Infrastructure

Prisons in major Urban Centers.

As provided in Section 7 of this Act, the initial list of core national infrastructure projects in this Section may be updated by the NEDA, to reflect changes in development policies, in economic, physical and social and social conditions, and in the status of the projects in the Program, among other factors.

SEC. 7. Responsibility for Formulation and Updating of the Detailed 30-Year Program. - Pursuant to the policies, strategies, and other provisions in this Act, the NEDA shall, in coordination with the concerned Oversight and Implementing Agencies, be responsible for the formulation of the details of the 30-Year National Infrastructure Program, divided into six phases of five years each, including their component projects with their respective descriptions, scopes, cost estimates, schedules, financing and implementation modalities, and Implementing Agencies.

The extent to which the projects in the Program meet the policies and strategies provided in Section 5 of this Act shall generally determine their priority and schedule of implementation

In coordination with the concerned Agencies, the NEDA shall review and update the 30-Year National Infrastructure Program once every five years, or oftener if necessary, taking into account changes in development policies, in economic, physical and social conditions, and in the status of the projects in the Program, among other factors.

In all updates of the Program, priority shall be given to the core infrastructure projects identified in this Act and in such updates.

SEC. 8. Minimum Budget Allocation for Infrastructure. - The NEDA and the Department of Budget and Management (DBM) shall see to it that the total annual budget allocation by the Government for the 30-Year National Infrastructure Program is at least five percent (5%) of the Gross Domestic Product.

SEC. 9. Project Financing and Implementation Modalities. - The projects under the 30-Year National Infrastructure Program may be implemented by the concerned Agencies under the following generic modalities in accordance with the criteria indicated:

Modality	Financing	Design	Construction	Operation and Maintenance (O&M)	General Criteria
A: Conventional Scheme	NG for Design, Construction, O&M, including ROW	NG - by itself or through a Private Designer	NG - by itself or through a Private Construction Contractor	NG - by itself or through a Private O&M Contractor	For non-financially viable (but economically feasible) projects
B: Design-Build (DB) Scheme	NG for Design, Construction, O&M, including ROW	Private DB Contractor	Private DB Contractor	NG - by itself or through a Private O&M Contractor	For non-financially viable projects where alternative DB technologies are feasible
C: PPP Scheme	NG for ROW and Subsidy; Private PPP Concessionaire for Design, Construction, O&M	Private PPP Concessionaire	Private PPP Concessionaire	Private PPP Concessionaire	For financially viable projects; with recovery of capital and O&M costs from user charges
D: NG-LGU Partnership	NG for Design and Construction; LGU for ROW/O&M	NG - by itself or through a Private Designer	NG - by itself or through a Private Construction Contractor	LGU for O&M	For non-financially viable projects where LGUs provide day-to-day service

NG and LGU financing may include foreign funding in the form of loans and grants from Official Development Assistance (ODA) sources.

In addition to these generic project implementation modalities, the NEDA, in coordination with the Department of Finance and other Oversight and Implementing Agencies, may authorize other appropriate project implementation modalities, including variants of these generic modalities, as deemed feasible and suitable to the specific circumstances and requirements of the projects at hand.

SEC. 10. Basis for Medium-Term and Annual Programming and Budgeting. - Based on the 30-Year National Infrastructure Program, the Implementing Agencies shall formulate their respective Medium-Term Infrastructure Programs, which are to be integrated into the overall

National Medium-Term Infrastructure Programs and the Medium-Term Philippine Development Plan to be crafted by the NEDA.

Based on the 30-Year National Infrastructure Program, the Implementing Agencies shall prepare their Annual Infrastructure Budgets (AIBs), which are to be integrated into the proposed Annual National Expenditure Programs (NEPs) to be prepared by the DBM, for submission to the Congress as the basis of the annual General Appropriations Acts (GAAs). The Implementing Agencies and the DBM shall see to it that the core projects in the 30-Year National Infrastructure Program are given priority in the AIBs and NEPs.

Based on the 30-Year National Infrastructure Program and the approved GAAs, the DBM shall issue the necessary Multi-Year Contracting Authority (MYCA) to cover the total cost of each project whose implementation will span several years. The DBM shall provide the corresponding annual cash requirements of the projects covered by the MYCA in the NEPs.

SEC. 11. *Use of Applicable Modern Technology for Project Implementation.* – To achieve efficiency and transparency, projects in this Program shall be procured through electronic online systems, covering the submission and evaluation of bids.

For effective management of the projects, Implementing Agencies shall use the Building Information Modeling (BIM) or similar applicable automated management tools that can visualize, simulate, track, and help optimize the performance of a particular infrastructure in five dimensions - namely, length, width, height, time, and cost - throughout the lifecycle of the project, from planning and design, through procurement and construction, to operation and maintenance.

SEC. 12. *Implementing Rules and Regulations (IRR).* – Within sixty (60) days from the approval of this Act, a Committee, composed of the following officials, shall prepare the IRR for the proper implementation of the provisions of the Act.

- a. The Secretary of Economic Planning and Director General of the NEDA as **Chairman**.
- b. All Members of the NEDA Infrastructure Committee as **Members**.

In preparing the IRR, the Committee shall consult with major stakeholders from the concerned private sectors, business groups, LGUs, community organizations, and Non-Government Organizations, among others.

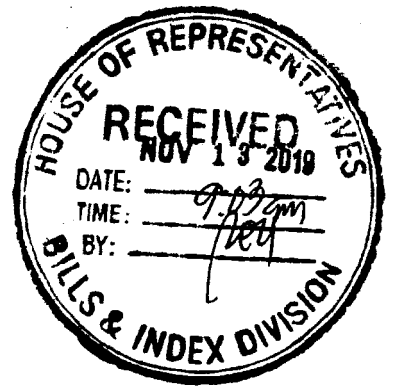
SEC. 13. *Repealing Clause.* – All laws, decrees, orders, rules and regulations or parts thereof inconsistent with this Act are hereby repealed or amended accordingly.

SEC. 14. *Effectivity.* – This Act shall take effect fifteen (15) days following its publication in the Official Gazette.

Approved,



Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila



EIGHTEENTH CONGRESS
First Regular Session

House Bill No. 5452

Introduced by Representative **GERALDINE B. ROMAN**

EXPLANATORY NOTE

The Duterte administration's ambitious infrastructure program called *Build, Build, Build* aims to address decades of neglect in the country's public infrastructure. As stated by Budget and Management Secretary Benjamin E. Diokno, the Duterte Administration has "decided to prioritize the infrastructure gap that has hampered the competitiveness of the Philippine economy."¹

While the program is evidently succeeding, a leading economist urged the government to tap the private sector for partnership programs. "The absorptive capacity of infrastructure agencies need to be given an earnest look," said economist Cielito Habito, a columnist of the Philippine Daily Inquirer.² There was a perceived slowdown of public infrastructure projects at the start of 2019 and this delay is attributed to (a) delay in the approval of the national budget and (b) the two central departments for infrastructure [DPWH and DOTr] underspending their budgets.³ Tapping PPP again would boost *Build, Build, Build*, and the ambitious plan to spend more than Php 3 trillion on public infrastructure to stir economic growth, the economist added.

While PPP is not new in the country, the existing legislative framework needs to be revisited. As early as 2017, PPP Center Executive Director Ferdinand Pecson said that reforms would weigh heavily on removing conflicts of interest in PPP projects as well as providing for the speedy resolution of conflicts. Pecson said that, in the past, several projects have been stalled due to protracted negotiations and disputes.⁴

On a related note, the scope of partnership with the private sector in projects should not just be for "hard" infrastructure. Inclusions of "soft" or social infrastructure projects must be made. Of note is the increased collaboration of private businesses and local governments in

¹ Lifted from: <https://www.dbm.gov.ph/index.php/secretary-s-corner/press-releases/list-of-press-releases/1382-build-build-build-proof-of-efficient-leadership-and-political-will>. Last accessed on 29 October 2019, 10:05am.

² Lifted from: <https://business.inquirer.net/276860/top-economist-says-ppp-answer-to-risks-of-build-build-build-slowing-down#ixzz63nq3W77o>. Last accessed on 29 October 2019, 10:30am.

³ *Id.*

⁴ Lifted from: <https://www.philstar.com/business/2017/12/22/1770956/proposed-bot-law-changes-boost-ppp-governance#0TcxWUOv57B38hU3.99>. Last accessed on 29 October 2019, 2:30pm.

projects that greatly matter to those who live in localities where the national government is not in the best position to care for.

This Bill seeks to further develop and strengthen the framework for public and private sector collaborations by amending the current BOT Law, R.A. No. 6957, as amended by R.A. No. 7718. The major changes are as follows:

1. Institutionalizing the PPP Center of the Philippines.

The PPP Center is the main driver of the PPP programs in the country. It was created by E.O. No. 8-2010 and serves as the central coordinating and monitoring agency for all PPP projects. It champions the country's PPP Program by enabling implementing agencies in all aspects of project preparation, managing the Project Development and Monitoring Facility (PDMF), providing projects advisory and facilitation services, monitoring, and empowering agencies through various capacity-building activities.

2. Removing the investment threshold needed to avail of incentives.

3. Expansion of PPP projects to include social infrastructure projects such as prisons, education and health facilities, government buildings, tourism projects, climate change mitigation, and adaptation measures, etc.

4. Protecting PPP projects from being the subject of judicial reliefs as such TROs, except if issued by the Supreme Court.

5. Appointing for transparency and good governance four private sector representatives to be elected as members of the PPP Governing Board.

With these in mind, the passage of this bill is earnestly sought.


GERALDINE B. ROMAN



Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

EIGHTEENTH CONGRESS
First Regular Session

House Bill No. 5452

Introduced by Representative **GERALDINE B. ROMAN**

AN ACT
AUTHORIZING PUBLIC-PRIVATE PARTNERSHIPS (PPP),
APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES

Be it enacted by the Senate and the House of Representatives of the Philippines in Congress assembled:

SECTION 1. *Short Title.* — This Act shall be known as the "Public-Private Partnership (PPP) Act" of the Philippines.

SEC. 2. *Declaration of Policy.* — It is the declared policy of the State to recognize the indispensable role of the private sector as one of the principal drivers for national growth and development. As such, the State shall adhere to following principles and polices:

- a) It shall create an enabling environment for PPP and provide the most appropriate incentives to mobilize private resources for the purpose of financing, designing, constructing, operating, and maintaining infrastructure projects and services normally financed and undertaken by the government. Such incentives, aside from financial incentives as provided by law, shall include provision of liberalized government regulations and procedures in support of the private proponent.
- b) It shall recognize the long-term nature of private investment in infrastructure projects and services by mitigating risks to ensure that the validity and enforceability of contracts are respected through the due process of law.
- c) It shall protect the public interest by providing affordable, accessible, and efficient public services and affirms open, transparent and competitive selection as the central tenet of government procurement in securing private investment in public infrastructure projects and services.

- d) It shall ensure fair and reasonable pricing and timely delivery of quality infrastructure and services through equitable risk allocation, subject to reasonable rules, and under the guiding principle of full public disclosure of all transactions.

SEC. 3. *Definition of Terms.* — The following terms used in this Act shall have the meanings stated below:

- a) **Approving Body** — refers to an entity authorized to approve PPP projects proposed under this Act and its IRR, in accordance with Section 8 of this Act.
- b) **Availability-based PPP** — refers to a PPP where the implementing agency commits to make predetermined payments for contractually-defined performance delivery.
- c) **Concession-based PPP** — a PPP where the implementing agency grants the project proponent the right to recover its investment, operating and financing costs by charging the public a user fee or tariff.
- d) **Construction** — refers to new construction, rehabilitation, improvement, expansion, alteration, installation, and related works and activities in connection with an infrastructure facility, including the necessary supply of equipment, materials, labor and services and related items.
- e) **Contingent liability** — refers to obligations of the government arising from a valid PPP contract whose occurrence, timing, and amount depend on some uncertain future event or circumstance.
- f) **Contractor** — refers to any person, who may or may not be the project proponent, and who shall undertake the actual construction of an infrastructure facility.
- g) **Cooperation Period** — refers to the period of operation of an infrastructure facility, which period, in the case of public utilities requiring a franchise, such period shall not exceed the maximum period prescribed by existing laws.
- h) **Facility Operator** — refers to a person registered with the Securities and Exchange Commission, who may or may not be the project proponent, and who is responsible for all aspects of operation and maintenance of an infrastructure facility, including but not limited to the collection of tolls, fees, rentals or charges from facility users.
- i) **Government undertakings** — refer to any form of support, contribution, assistance, Viability Gap Funding (VGF), among others, which the government may provide to a solicited PPP project.
- j) **Grantor** — refers to an implementing agency and other government agencies that own the project assets or franchise.
- k) **GOCC** — refers to a government-owned or controlled corporation as defined in Republic Act No. 10149.
- l) **ICC** — refers to the Investment Coordination Committee of the NEDA Board.

- m) **Implementing Agency** — refers to the Departments of the executive branch, their attached agencies, bureaus, and other government institution with own charters, and the local government units (LGUs), except barangays.

It also includes government-owned and controlled corporations (GOCCs) attached to these respective departments and agencies.

- n) **Infrastructure facility and related service** — refers to any facility and infrastructure-related service identified by the government in relation to or as necessary for the discharge of its functions, whether governmental or proprietary:

(1) **Infrastructure facility** — includes power plants, roads and highways, ports, airports, canals, dams, hydropower and other energy projects, water supply, irrigation, telecommunications facilities, railroads and railways, transport systems, reclaimed land, industrial estates or townships, housing, government buildings, bulk grain handling facilities, tourism projects, public parks, public markets, slaughterhouses, warehouses, information technology systems and infrastructure, education and health facilities, sewerage, and drainage.

(2) **Infrastructure-related service** — includes dredging, climate change mitigation and adaptation measures, logistics support system, solid waste management, and other related services.

- o) **IRR** — refers to the implementing rules and regulations of this Act.
- p) **LGU** — a local government unit.
- q) **Local PPP Project** — refers to a PPP Project that will be undertaken by an LGU.
- r) **National PPP Project** — refers to a PPP Project that will be undertaken by the national government and shall be approved by the NEDA Board upon Recommendation by the ICC. Such approval shall be carried by the implementing agency or grantor concerned.
- s) **NEDA** — refers to the National Economic and Development Authority.
- t) **PDMF** — refers to the Project Development and Monitoring Facility created under Section 9 of this Act.
- u) **PPP BAC** — refers to the PPP Bids and Awards Committee.
- v) **Public-Private Partnership (PPP)** — refers to contractual arrangement between the implementing agency and the project proponent for the financing, design, construction, operation, and maintenance, or any combination thereof, of an infrastructure facility, in which the project proponent bears significant risk, management responsibility, or both.
- w) **PPP Center** — refers to the Public-Private Partnership Center of the Philippines created under Executive Order No. 8, series of 2010, as amended.

- x) **PPP Contract** — refers to the contract between the implementing agency and the project proponent for the design, financing, construction, operation, or maintenance of an infrastructure facility under a PPP Project.
- y) **PPP Project** — refers to a project undertaken under this Act.
- z) **Person** — refers to an individual, sole proprietorship, partnership, corporation or any other form of organization, whether domestic or foreign.
- aa) **Priority Project** — refers to a project identified by an implementing agency that may be undertaken under this Act as a PPP project and is consistent with the Philippine Development Plan (PDP) or its equivalent at the local level.
- bb) **Project Cost** — refers to total capital cost, financing and other expenses for the design, construction, operation, and maintenance of an infrastructure facility, depending on the PPP contractual arrangement as provided for in Section 4 of this Act.
- cc) **Project Proponent** — refers to any private person who shall undertake a PPP project.
- dd) **Rate of Return** — refers to the maximum rate of return that a project proponent shall be entitled to, as determined by the Approving Body, taking into account, among others, the prevailing cost of capital in the domestic and international markets, the risks being assumed by the project proponent, and prevailing tariff on similar projects: Provided, That in case of an unsolicited proposal, such rate of return shall be determined by the appropriate Approving Body prior to the call for proposals.
- ee) **Services** — refers to technical services and other services related to infrastructure facilities such as, but not limited to, construction supervision, management, operation and maintenance and related services, which may be included as part of a PPP project.
- ff) **Solicited PPP Project** — refers to priority projects identified by the implementing agency.
- gg) **Unsolicited PPP Project** — project proposals submitted by a private person which are not in response to a formal solicitation or request issued by the implementing agency.
- hh) **Viability Gap Funding (VGF)** — refers to such financial support the government may provide to a concession-based PPP project with the objective of making user fees affordable while improving the commercial attractiveness of the project.

SEC. 4. *Variations of Contractual Arrangements.* — PPP Projects may be undertaken through any of the following contractual arrangements and such other variations as may be approved by the ICC:

- a) **Build-and-Transfer** — refers to a contractual arrangement whereby the project proponent undertakes the financing and construction of a given infrastructure facility and after the completion thereof, turns it over to the implementing agency concerned, which shall pay the project proponent on an agreed schedule its total investments expended on the project, plus a rate of return thereon. This arrangement may be employed in the construction of any infrastructure facility, including critical facilities which, for security or strategic reasons, must be operated directly by the government.

- b) **Build-Lease-and-Transfer** — refers to a contractual arrangement whereby a project proponent undertakes to finance and construct an infrastructure facility and upon its completion turns it over to the implementing agency concerned on a lease arrangement for a cooperation period, after which ownership thereof is automatically transferred to the implementing agency concerned.
- c) **Build-Own-and-Operate** — refers to a contractual arrangement whereby a project proponent is authorized to undertake a PPP project, specifically to finance, construct, own, operate and maintain an infrastructure facility from which the project proponent is allowed to recover its total investment, operating and maintenance costs plus a return thereon by collecting tolls, fees, rentals or other charges from facility users.
- d) **Build-Operate-and-Transfer** — refers to a contractual arrangement whereby the project proponent undertakes a PPP project and transfers ownership of the infrastructure facility to the implementing agency at the end of the cooperation period.
- e) **Build-Transfer-and-Operate** — refers to a contractual arrangement whereby the implementing agency contracts out the construction of an infrastructure facility to the project proponent. Once the facility is commissioned satisfactorily, ownership is transferred to the implementing agency. The project proponent, however, operates the infrastructure facility on behalf of the implementing agency.
- f) **Contract-Add-and-Operate** — refers to a contractual arrangement whereby, the project proponent adds to an existing infrastructure facility which it is renting from the government. It operates the expanded infrastructure facility over an agreed cooperation period. There may, or may not be, a transfer arrangement in regard to said facility.
- g) **Develop-Operate-and-Transfer** — refers to a contractual arrangement whereby favorable conditions external to a new PPP project which is to be built by a project proponent are integrated into the arrangement by giving that entity the right to develop adjoining property, and thus, enjoy some of the benefits the investment creates such as higher property or rent values.
- h) **Joint Venture** — refers to a contractual arrangement whereby a private person or a group of private persons, and an implementing agency or a group of implementing agencies, contribute money, services, assets, or a combination of any or all of the foregoing, to undertake a PPP project, with the intention to share profits, risks and losses. Assets may include equipment, land, intellectual property or anything of value.

For joint venture arrangements, the ownership of the infrastructure facility may be transferred to either the implementing agency or to the project proponent: Provided, That in the latter case, the transfer shall be made under competitive market conditions: Provided, further, That the equity contribution of the implementing agency in a joint venture corporation shall in no case exceed fifty percent (50%) of the outstanding capital stock of the said corporation; and Provided, finally, That the return on investment of either party shall be in proportion to their respective contribution.

- i) **Operations and Maintenance Contract** — refers to a contractual arrangement whereby the project proponent undertakes the day-to-day operation and maintenance of an infrastructure

facility owned by the implementing agency. The project proponent shall undertake the acquisition or provision and upgrading of equipment, systems and other items related to operation and maintenance. The project proponent shall be compensated in the form of a performance-based management or service fee during the cooperation period.

- j) **Rehabilitate-Operate-and-Transfer** — refers to a contractual arrangement whereby an existing infrastructure facility is turned over to the project proponent to refurbish, improve, operate and maintain for a cooperation period, at the expiry of which the ownership of the facility is transferred to the implementing agency.
- k) **Supply-and-Operate** — refers to a contractual arrangement whereby the supplier of equipment and machinery for a given infrastructure facility, if the interest of the government so requires, operates such facility. Foreign firms who are allowed to operate the facility shall provide technology transfer and training to Filipino nationals.

Other variations may be allowed upon prior approval by the Investment Coordinating Committee (ICC).

SEC. 5. Authority of Implementing Agencies. — Implementing agencies, notwithstanding their respective charters, are hereby authorized to undertake PPP projects with any project proponent in accordance with the provisions of this Act.

In undertaking a PPP project under this Act, every GOCC and its subsidiaries shall secure the approval of the head of the implementing agency to which the GOCC is attached.

SEC. 6. Identification of Priority Projects. — Priority projects that will be implemented under this Act shall be consistent with the Philippine Development Plan or its equivalent at the local level.

Implementing agencies shall include in their development plans, strategies and investment programs those priority projects that may be undertaken in this Act as PPP Projects. In identifying those projects, the implementing agencies shall be guided by the following principles: effectiveness in meeting government objectives, accountability and transparency, consumer rights, affordability, public access, safety, and security.

The implementing agencies shall submit their list of PPP projects or any update thereto to the PPP Center for information. Each proposed PPP project to be implemented under this Act shall be subject to the approval of the appropriate Approving Body.

The PPP Center shall ensure that Congress and the general public are provided with adequate, timely and relevant information pertaining to these priority projects: Provided, that the release of proprietary information, which shall be defined in the implementing rules and regulations (IRR) of this Act, is not contrary to existing laws

SEC 7. Unsolicited Proposals. — Projects that are not in the list of priority projects may be considered for unsolicited proposals. Priority projects shall not be considered for unsolicited proposals, except when they involve a new concept or technology or do not have feasibility studies.

When a project proponent submits an unsolicited proposal, the implementing agency may either:

- a) Accept the unsolicited proposal on a negotiated basis: Provided, That the following conditions are met:
- (1) The project does not receive VGF or direct payments from any government agency; Provided, that costs of right-of-way, resettlement and real estate taxes shall not be considered as part of the viability gap funding; and
 - (2) Guided by the principles of transparency and competitiveness, the implementing agency has invited by publication for three (3) consecutive weeks in a newspaper of general circulation, as well as websites of the PPP Center and of the implementing agency, the submission of comparative proposals and no other proposal is received for a period stated in the IRR of this Act, which period should not be less than three (3) months nor more than six (6) months from the date of last publication in a newspaper of general circulation. In the event another proponent submits a superior counter-proposal within the period referred to above and it is accepted by the appropriate Approving Body, the original proponent shall have the right to outbid.
- b) Use the unsolicited proposal as the basis for public bidding as provided in Section 10 of this Act. Upon approval by the appropriate Approving Body, the original proponent thereof shall be reimbursed of the cost incurred in the preparation of the proposal, such as the cost of any feasibility study undertaken: Provided, That such reimbursement:
- (1) shall be in an amount specified in the IRR of this Act, but not exceeding three percent (3%) of the project cost excluding those which will be borne by the implementing agency; and
 - (2) shall be paid in full by the winning project proponent as a requirement for the award of the contract.
- c) Reject the proposal.

If the implementing agency fails to act on the proposal within the period stated in the IRR of this Act, the project proposal shall be deemed rejected, without prejudice to any liability that the erring or negligent officials or employees may incur under existing laws.

Within ten (10) working days from receipt of the unsolicited proposal, the implementing agency shall inform the PPP Center in writing of such receipt and furnish it with a copy of the proposal. The PPP Center shall provide assistance to the implementing agency in the evaluation of the unsolicited proposal.

SEC. 8. Approval of PPP Projects. The approval of PPP projects under this Act shall be in accordance with the following:

- a) National PPP Projects — National PPP projects shall be approved by the NEDA Board depending on the project cost as prescribed by the PPP Governing Board. Such approval shall be carried by the implementing agency or grantor concerned.

For national projects that have impact on the region, the implementing agency shall secure the endorsement of the Regional Development Council (RDC) prior to submitting the

project for approval to the Approving Body. The RDC shall have thirty (30) days from receipt of the request of the implementing agency within which to issue its endorsement; otherwise, the same shall be deemed automatically endorsed by the RDC.

- b) Local PPP Projects — Local PPP projects shall be confirmed by the local development councils concerned and approved by the local Sanggunian.

The Approving Body shall assess all PPP projects based on its overall feasibility analysis and accord paramount importance on the affordability of user fees and efficiency in public service.

The confirmation of the project by the local development council concerned shall be based on a review of the project documents submitted to it by the local government unit (LGU) concerned, which includes the feasibility study and the draft contract on the project, and shall ensure that said project documents are in full compliance with the requirements set forth under this Act: Provided, That any concerned reviewing officer/s found in violation of this provision shall be administratively liable with grave neglect of duty and shall be dealt with in accordance with existing laws.

Any act on the part of the LGU concerned and its responsible officials, or concerned officers of the private project proponent, which results to or is aimed at downgrading the category of the project cost based on its total cost under the IRR of this Act for the purpose of evading the required approval under the appropriate category shall be dealt with administratively and criminally under this Act and its IRR, and other existing applicable laws. Such act committed by the private project proponent and its concerned officers shall cause the rescission of its contract for the said project without compensation and shall be perpetually disqualified from participating in any bidding, or other contractual arrangement, for any government project.

SEC. 9. *Project Development and Monitoring Facility (PDMF).* — The Project Development and Monitoring Facility is hereby created to be known as the PDMF, which shall be used for the procurement of advisory and support services related to the preparation, structuring, probity management, procurement, financial close, and monitoring of implementation of PPP projects.

- a) Funding Source — The PDMF Fund referred to under Executive Order No. 8, series of 2010, as amended by Executive Order No. 136, series of 2013, shall be transferred to the PDMF under this Act. The PDMF may be funded through and such amount as may be needed and included in the General Appropriations Act, Official Development Assistance or other sources.
- b) Institutional Arrangement — The PDMF shall be managed and administered by the PPP Center as a revolving fund; thus, in addition to the amounts appropriated herein, and in order to sustain the PDMF, the PPP Center may collect and receive fees and recover costs expended through PDMF in accordance with the guidelines that shall be approved by the PPP Governing Board. Such amount shall be retained and authorized to be used by the PPP Center for the purposes indicated herein.

A PDMF Committee is hereby created which shall approve applications for PDMF support submitted by implementing agencies. It shall be composed of representatives from the National Economic and Development Authority (NEDA), Department of Finance (DOF), Department of Budget and Management (DBM) and the PPP Center.

To facilitate access to global best practices in PPP and enhance value for money, the selection of consultants for project preparation and transaction support, and probity advisors, all with PPP expertise, as well as independent consultants, and such other consultancy services that may be financed through PDMF shall be open to qualified consultancy firms, subject to existing laws on the practice of profession reserved to Filipino nationals.

Subject to approval of the PPP Governing Board, the PDMF Committee shall also formulate, prescribe and recommend policies, procedures and guidelines for the use of PDMF and recovery of costs charged to the fund.

The PPP Center shall serve as Secretariat for the PDMF Committee.

- c) Procedure — The procurement of consulting services for the PDMF shall be conducted through Republic Act No. 9184, otherwise known as the "Government Procurement Reform Act," and its associated IRR, subject to existing laws on the practice of professions reserved to Filipino nationals. An open registry of consultants may be established for ready availability of consulting expertise. Registration is not tantamount to a finding of eligibility and even non-registered consultants shall be allowed to bid. The procedures for such procurement shall be prescribed in the IRR of this Act, consistent with Republic Act No. 9184 and its associated IRR.

The PPP Center is not precluded from adopting a set of rules for the engagement and consulting services funded by an international financing institution or through Official Development Assistance.

Subject to approval of the PPP Governing Board, the PDMF Committee shall also formulate, prescribe and recommend policies, procedures and guidelines for the use of PDMF and recovery of costs charged to the fund.

SEC. 10. Public Bidding of Projects. — The public bidding of projects shall be in accordance with the following:

- a) Publication. — Upon approval of PPP projects as mentioned in Section 8 of this Act, the head of the implementing agency concerned shall immediately cause the publication of a notice inviting all prospective project proponents to participate in a transparent and competitive public bidding, once every week for three (3) consecutive weeks, in at least two (2) newspapers of general circulation and in at least one (1) local newspaper which is circulated in the region, province, city or municipality where the project will be implemented. Said notice shall also be posted continuously in the websites of the implementing agency and the PPP Center.
- b) Public Bidding. — The public bidding shall be conducted under a single or two-stage system. The pre-qualification documents, technical, and financial proposals shall be submitted in at least three (3) separate envelopes. The procedures for public bidding, which shall be transparent and competitive, including the conduct of one-on-one meetings with prequalified bidders, shall be outlined in the IRR of this Act.

- c) **Award.** — The contract shall be awarded to the bidder who has passed the pre-qualification stage for having satisfied the minimum financial, organizational and legal standards required by this Act, has passed the technical proposal evaluation, and has submitted the most favorable financial bid based on the parameters defined in the bid documents. Affordable user fees and efficient public services shall be of paramount importance in awarding PPP projects.

Single Complying and Responsive Bid. — In case of a single complying and responsive bidder, the implementing agency may award the PPP contract to that bidder upon its compliance with the post-award requirements under the bidding rules of the PPP project. A bid shall be considered a single complying and responsive bid submission if it falls under any of the following circumstances:

- (1) If, after advertisement, only one bidder applied for prequalification and it meets the prequalification requirements, after which it is required to submit a bid or proposal which is subsequently found by the implementing agency to be complying;
 - (2) If, after advertisement, more than one bidder applied for prequalification but only one meets the prequalification requirements, after which it submits a bid or proposal which is found by the implementing agency to be complying;
 - (3) If, after prequalification of more than one bidder, only one submits a bid which is found by the implementing agency to be complying; or
 - (4) If, after prequalification, more than one bidder submits bids but only one is found by the implementing agency to be complying.
- d) **Protest.** — In all stages of the procurement process, the following protest protocol and timeline shall be strictly followed:

- (1) Decisions of the PPP Prequalification Bids and Awards Committee (PPP PBAC) may be questioned by filing a motion for reconsideration within fifteen (15) working days from receipt thereof.
- (2) The decision of the PBAC on the motion for reconsideration in the immediately preceding paragraph may be further questioned by filing an appeal to the head of the implementing agency concerned and paying a non-refundable appeal fee in an amount equivalent to no less than $\frac{1}{2}$ of 1% of the project cost within fifteen (15) working days from receipt thereof.

If the head of the implementing agency in the immediately preceding paragraph is not a Department Secretary, the decision of the head of the implementing agency may be further questioned by filing an appeal to the Secretary of the Department to which the implementing agency is attached within a period prescribed in the IRR of this Act.

- (3) The decision of the Department Secretary in the immediately preceding paragraphs of item (b) may be questioned by filing an appeal to the Office of the President within fifteen (15) working days from receipt thereof.

In no case shall any appeal taken from any decision treated in this Act stay or delay the bidding process: Provided, however, That all appeals must first be resolved before any award is made.

All government officials who fail to follow the timelines stated herein and the IRR shall be administratively and criminally charged.

- e) Failure to Comply or Execute the Contract. — If the winning bidder fails to comply with any post-award requirement or fails to enter into a contract with the implementing agency, the latter may proceed to negotiation with the next technically and financially qualified bidder. This is without prejudice to other legal remedies available to the implementing agency such as, but not limited to, the forfeiture of bid security, the withdrawal of Notice of Award, or both.

SEC. 11. PPP BAC. — The head of the implementing agency shall create a PPP BAC which shall be responsible for all aspects of the pre-bidding and bidding process in the case of solicited proposals, and for the comparative bidding process in the case of unsolicited proposals. The PPP BAC shall be chaired by at least a third ranking regular official of the said agency and its composition shall be specified in the IRR of this Act: Provided, That the PPP BAC constituted for National PPP Projects shall also include other relevant government agencies as may be determined in the IRR of this Act.

All the PPP PBAC members and other public officials providing services to the PPP PBAC shall be authorized to engage the services of private lawyers, or shall be provided with free legal assistance, where a civil, criminal, or administrative action is filed against them by reason of the performance of their official functions or duties, unless they are finally adjudged in such action or proceeding to be liable for gross negligence or misconduct or grave abuse of discretion. The PPP PBAC members shall also be entitled to medical assistance for injuries incurred in the performance of their functions.

SEC. 12. Contract Termination. — In the event that a contract is revoked, cancelled or terminated, either contracting party shall compensate the other pursuant to terms as defined in the contract.

SEC. 13. Issuance of Administrative Franchise, License or Permit. — Upon receipt of notice that an implementing agency and a project proponent have entered in a PPP contract, the regulator or licensing authority shall automatically grant in favor of the said project proponent an administrative franchise, license, permit, or any other form of authorization required for the implementation of a PPP project subject to submission by the project proponent of the requirements by the regulator or licensing authority.

Any provision of law to the contrary notwithstanding, it shall be mandatory on the part of the regulator or licensing authority to accept and approve the application for administrative franchise, license or permit subject to submission by the project proponent of the requirements by the regulator or licensing authority. Failure to act on a proper and complete application thereof within thirty (30) working days from receipt of the same shall be deemed as approval thereof.

Such inability to act may also be a ground for administrative and/or criminal charges.

SEC. 14. *Expansion or Extension of an Existing Infrastructure Facility.* — Subject to prior approval by the appropriate Approving Body, the project proponent of an existing PPP infrastructure facility may be allowed to expand or extend the same even without further bidding: Provided, That the cost thereof shall not exceed twenty-five percent (25%) of the price-adjusted original project cost: Provided, further, that any subsequent expansion or extension shall no longer be allowed.

SEC. 15. *Contracts and Public Disclosure.* — Copies of all PPP contracts concluded under this Act shall be considered public documents. The implementing agency shall transmit to the PPP Center for records and monitoring purposes, a copy of the duly executed contract, within thirty (30) working days from its complete execution.

SEC. 16. *Prohibition on the Issuance of Temporary Restraining Orders or Injunctions.* —

- a) No temporary restraining order, preliminary injunction or preliminary mandatory injunction shall be issued by any court, except the Supreme Court, against any implementing agency, its officials or employees, or any person or entity, whether public or private acting under the government direction, to restrain, prohibit or compel the following acts:
- (1) Bidding, rebidding or declaration of failure of bidding of PPP projects, either national or local;
 - (2) Qualification or disqualification of bidders;
 - (3) Awarding of PPP contract;
 - (4) Acceptance of any unsolicited PPP project proposal, even if not acted upon by the implementing agency concerned under Section 7 of this Act;
 - (5) Acquisition, clearance, development of the right-of-way, site or location of any PPP project;
 - (6) Construction, operation and maintenance of any PPP project;
 - (7) Commencement, execution, implementation, termination or rescission of any PPP contract; and
 - (8) Undertaking or authorization of any other lawful activity necessary for such PPP project or contract.
- b) **Bond.** — The applicant for such temporary restraining order, preliminary injunction or preliminary mandatory injunction shall file a bond, in an amount to be fixed by the court. The bond shall accrue in favor of the government if the court should finally decide that the applicant was not entitled to the relief sought.
- c) **Void.** — Any temporary restraining order, preliminary injunction or preliminary mandatory injunction issued in violation of this section is void and of no force and effect.

- d) **Application.** — The foregoing prohibition shall apply in all disputes, cases, or controversies instituted by any and all parties, including but not limited to cases filed by bidders, implementing agencies or those claiming to have rights through such bidders or implementing agencies involving PPP project or contract.
- e) **Liability.** — In addition to civil and criminal liabilities as may be incurred under existing laws, any judge who shall issue a temporary restraining order, preliminary injunction or preliminary mandatory injunction in violation of this section, shall be subject to disciplinary action by the Supreme Court.

SEC. 17. Regulatory Board PPP Project. — A regulatory agency that owns public infrastructure or right-of-way that is intended for a PPP project shall assign the same to the department exercising administrative supervision over it, or to the department to which it is attached, in order that such department may enter into a PPP contract involving such public infrastructure or right-of-way.

SEC. 18. Project Supervision. — Every PPP project undertaken under the provisions of this Act shall be in accordance with the designs, plans, specifications, standards, and costs approved by the implementing agency and Approving Body, and shall be under the supervision of the implementing agency concerned.

SEC. 19. Investment Incentives. — Among other incentives, all PPP projects shall be entitled to incentives as provided by the Omnibus Investment Code, upon prior endorsement of the PPP Center and registration by the project proponent with the Board of Investments.

SEC. 20. Projects of National Significance. — Upon certification and recommendation by the ICC, and prior consultation with the LGU concerned, the President may classify certain PPP projects under this Act as projects of national significance, which shall be entitled to the following incentives:

- a) All real properties which are actually and directly used for the project shall be exempt from any and all real property taxes levied under Republic Act No. 7160.
- b) All local taxes, fees and charges imposed by a province, city or municipality on the project proponent shall not exceed fifty percent (50%) of one percent (1%) of gross sales or receipts of the preceding calendar year.
- c) The necessary business permits, including any renewals thereof, shall be deemed to have been automatically granted or issued to the winning project proponent upon payment of the required taxes and fees to the appropriate LGU.

For a project to qualify as a project of national significance, it shall meet the following criteria:

- a) The total project cost falls within the threshold set by the ICC;
- b) The project has direct and indirect economic impact which shall not be less than the threshold set by the ICC;
- c) The project will have direct and indirect economic impact beyond the LGU where it is located; and

d) The project can create new jobs.

SEC. 21. *Exemption from Payment of Transfer Taxes.* — For all PPP projects, the transfer of ownership of infrastructure facility to the implementing agency shall be exempt from capital gains tax, documentary stamp tax, donor's tax, and all national taxes and fees related to the transfer thereof.

SEC. 22. *Institutionalization of PPP Center.* — To achieve the goals of this Act, the PPP Center created under Executive Order No. 8, series of 2010, as amended by Executive Order No. 136, series of 2013, is hereby institutionalized.

a) Functions: The PPP Center is hereby authorized to adopt its current organizational structure, absorb its existing employees, and upgrade its human resource component, as may be necessary, towards a more efficient and effective performance of the following functions:

- (1) Assist implementing agencies in identifying, developing, prioritizing and maintaining a pipeline of PPP projects;
- (2) Provide advisory services, technical assistance, trainings, and capacity development to implementing agencies in all PPP-related matters;
- (3) Manage and administer the PDMF as provided in Section 9 of this Act;
- (4) Work with implementing agencies in setting procurement and implementation timelines for approved PPP projects;
- (5) Recommend plans, policies and implementation guidelines related to PPP, in consultation with appropriate oversight committees or agencies, implementing agencies, private sector and other relevant stakeholders;
- (6) Facilitate, monitor, and evaluate the implementation of PPP programs and projects developed by the implementing agencies;
- (7) Report to the Office of the President and Congress on the implementation of the PPP programs and projects of the government at the end of each year;
- (8) Serve as a link between the government and the private sector;
- (9) Promote and market PPP programs and projects, in collaboration with other government promotion agencies;
- (10) Issue non-binding and non-policy advisory opinions relating solely to technical aspects of PPP;
- (11) Serve as the central repository of all executed PPP contracts and any subsequent amendment or supplement thereto, including settlement agreements, entered into by implementing agencies;

- (12) Provide and transmit copies of duly executed PPP contracts to Congress;
 - (13) Act as Secretariat to the PDMF Committee, PPP Governing Board, and ICC insofar as PPP projects are concerned;
 - (14) Maintain an integrated projects' bank to serve as an interactive database of all current and past projects;
 - (15) Sit as member of the NEDA-Infrastructure Committee (INFRACOM), ICC, and other interagency bodies where a PPP project is a major concern;
 - (16) Provide and transmit copies of duly executed PPP contracts to Congress; and
 - (17) Such other functions as may be necessary to achieve the objectives and purposes of this Act.
- b) **Positions and Compensation:** All positions of the PPP Center shall be governed by a compensation and position classification system and qualification standards duly approved by the Governance Commission for Government-Owned or Controlled Corporations (GCG) and subject to its periodic review.

The PPP Center shall report directly to the PPP Governing Board and under the administrative supervision of the NEDA.

The PPP Center shall be headed by an Executive Director with the rank equivalent to an Undersecretary, who shall be appointed by the President of the Philippines, for a term of 6 years, upon recommendation of the PPP Governing Board.

SEC. 23. PPP Governing Board. — The PPP Governing Board is hereby created and referred to as the Board, which shall be the overall policy-making body for all PPP-related matters, including the PDMF. It shall be responsible for setting the strategic direction of PPP programs and projects and in creating an enabling policy and institutional environment for PPP.

The Board shall be composed of the following:

- a) Secretary of Socio-economic Planning as Chairperson;
- b) Secretary of Finance as Vice-Chairperson;
- c) Secretary of Budget and Management;
- d) Secretary of Public Works and Highways;
- e) Secretary of Transportation;
- f) Secretary of Communication;
- g) Secretary of Trade and Industry;

- h) Secretary of Interior and Local Government;
- i) One (1) private sector representative from the field of architecture or urban planning, elected by the Philippine Institute of Architects/United Architects of the Philippines/Philippine Institute of Environmental Planners/Intelligent Community Forum Philippines;
- j) One (1) private sector representative from the construction industry, elected by the Philippine Constructors Association (PCA);
- k) One (1) private sector representative from the business sector, elected by the Management Association of the Philippines (MAP); and
- l) One (1) private sector representative from the finance industry, elected by the Bankers Association of the Philippines (BAP).

The principal members of the Board may designate their respective alternates, with a rank not lower than assistant secretary or its equivalent, and whose acts shall be considered the acts of their principals.

The presence of the Chairperson with six (6) other members of the Board shall constitute a quorum and a majority vote of the members present shall be necessary for the adoption of any issuance, order, resolution, decision or other act of the Board in the exercise of its functions. The Board shall act as a collegial body. In the conduct of meetings, the Chairperson shall not vote except to break a tie.

The Board shall act on any matter for its consideration not later than thirty (30) days from the date of submission thereof.

The members of the Board shall be entitled to honoraria based on existing government accounting and auditing rules and regulations.

SEC. 24. *Mandatory Inclusion of Alternative Dispute Resolution (ADR) Mechanisms in PPP Contracts.* — All PPP contracts shall include provisions on the use of ADR mechanisms. The contracting parties shall be given complete freedom to choose which venue and forum shall govern their dispute, as well as the rules or procedures to be followed in resolving the same.

SEC. 25. *Creation of a PPP Contingent Liability Fund.* — To ensure fiscal sustainability and negotiate better financing terms of PPP projects, there is hereby created a PPP Contingent Liability Fund to be used for the payment of contingent liabilities arising from PPPs in accordance to its contract terms.

The target amount in the PPP Contingent Liability Fund is to be determined by the Development Budget Coordination Committee (DBCC) using risk-adjusted methods or such other means that estimate the exposure of the Government of the Philippines to PPP contingent liabilities.

The PPP Contingent Liability Fund shall be funded from the following sources:

- a) Concession fees;
- b) Implementing agency reimbursements;
- c) Interest earnings from the contingent liability fund; and
- d) National Government contributions.

National Government contributions shall cover only the difference between the target amount of the PPP Contingent Liability Fund and the current value of the fund. The DOF shall regularly monitor and review the viability of the PPP Contingent Liability Financial in relation to the magnitude of PPP projects undertaken by the government and, if necessary, recommend the increase in the target amount of the PPP Contingent Liability Fund and the reason therefor. All National Government contributions to the PPP Contingent Liability Fund shall be included in the proposed budget of the DOF.

When the value of the PPP Contingent Liability Fund is in excess of the target amount, the excess funds may, upon the recommendation of the DBCC, be transferred to the general fund of the National Government.

The implementing agency must seek confirmation from the DOF that the National Government can bear the additional contingent liabilities associated the project, taking into consideration fiscal sustainability.

Further, to foster accountability and efficiency in implementing PPP projects, it is mandatory for implementing agencies to enter into a recourse agreement with the DOF before any payment can be drawn from the PPP Contingent Liability Fund for 8 contingent liabilities that have materialized within contract terms.

The Bureau of the Treasury shall maintain the PPP Contingent Liability Fund in the Treasury Single Account. Interest earnings therefrom shall accrue to the PPP Contingent Liability Fund.

SEC. 26. Penal Provision. — Any person, whether private individual or public officer or employee, who commits any of the acts hereunder proscribed, shall be punished by imprisonment from a minimum of four (4) years to a maximum of twelve (12) years and one (1) day:

- a) Representation that the project proponent has the necessary capitalization to commence, complete and implement the project when the same is false in material respects; and
- b) Falsification or insertion of certain provisions in the execution copy of the contract which are materially and substantially different from the approved final draft contract.

SEC. 27. Miscellaneous Provisions. —

- a) **Safeguard Mechanisms to Protect Public Interest.** — In order to improve transparency and to promote bankability and social acceptability of PPP projects, the following mechanisms shall be observed:

- (1) Whenever applicable, the implementing agency shall assess the affordability of fee or tariff, and conduct a willingness-to-pay survey among the users of the infrastructure facility;
 - (2) The implementing agency shall conduct public consultation or dialogue with all potential stakeholders, including the users, in all stages of the PPP project; and
 - (3) The implementing agency and the PPP Center shall post in their respective websites the approved starting fare or user fee in a PPP project as well as the approved parametric formula on fare increases or adjustments, if applicable.
- b) **Build-and-Transfer and Social Infrastructure PPP Projects.** — For PPP projects under the Build-and-Transfer scheme, as well as social infrastructure PPP projects, Congress shall include the necessary appropriations to meet the financial obligations arising from such projects on the fiscal year when the obligation becomes due and demandable. Such appropriations shall be over and above the annual budget of the implementing agency.
- c) **Joint Venture Agreements.** — For joint venture arrangements, the ownership of the infrastructure facility may be transferred to either the implementing agency or to the project proponent: Provided, that in the latter case, the transfer shall be made under competitive market conditions.
- d) **Recovery of Investment.** — As may be agreed in the PPP contract, the project proponent may be allowed to collect tolls, fees, rentals, or charges, engage in commercial development, receive viability gap funding, and receive direct government payments, among others, to recover investment.
- e) **Wind-up and Transfer Measures.** — The PPP contract shall provide, as appropriate, for:
- (1) Mechanisms and procedures for the transfer of assets to the implementing agency;
 - (2) The compensation to which the project proponent may be entitled in respect of assets transferred to the implementing agency, or to a successor, or purchased by the implementing agency;
 - (3) The transfer of technology required for the operation of the infrastructure facility;
 - (4) The training of the implementing agency's personnel or of a successor in the operation and maintenance of the infrastructure facility; and
 - (5) The provision, by the project proponent, of a warranty that the infrastructure facility meets the project technical specifications, agreed system features, and performance standards and services for a certain period as may be defined in the IRR of this Act after the transfer of the infrastructure facility to the implementing agency or to a successor.
- f) **Prescription.** — No one shall in any proceedings before any court or tribunal allege the invalidity of any PPP contract on the ground of non-compliance with the provisions of this Act or its IRR after a period of one (1) year has elapsed from the signing of the PPP contract.

- g) **Operation.** — The person, whether or not the project proponent, that shall actually operate and maintain the infrastructure facility, including but not limited to the collection of tolls, fees, rentals or charges from users of the infrastructure facility, must be registered with the Securities and Exchange Commission.
- h) **Preferential Hiring of Filipino Workers.** — For the construction stage of infrastructure facilities where the contractor is a foreigner, Filipino labor shall be employed or hired in the different phases of construction where Filipino skills are available.
- i) **Contracts, Procedures, and Authority Not Affected by this Act.** — This Act shall not affect:
 - (1) PPP contracts already entered into, and selection procedures undertaken, by implementing agencies prior to the effectivity of this Act in accordance with relevant laws, regulations, guidelines, and ordinances, provided that Section 16 of this Act shall apply to all pending PPP Projects upon the effectivity of this Act; and
 - (2) The authority of LGUs to enact their own PPP ordinances that are not inconsistent with this Act and its IRR.

SEC. 28. *Transitory Provisions.* — All unexpended funds for the calendar year, properties, equipment, contracts and records of the PPP Center are hereby retained. The amount necessary to carry out the organizational changes of PPP Center provided in this Act shall be determined by the PPP Governing Board. Appropriations for succeeding years shall be incorporated in its budget proposals for Congressional action.

All officials and employees of the PPP Center shall be retained and shall not suffer any loss of seniority or rank or decrease in emoluments.

SEC. 29. *Joint Oversight Committee.* — There is hereby created a Joint Congressional Oversight Committee to oversee the implementation of this Act. The Committee shall be composed of the Chairmen of the Senate Committees on Public Works, on Finance, and on Economic Affairs, and the Chairmen of the House Committees on Public Works and Highways, on Appropriations, and on Economic Affairs. To effectively monitor the implementation of this Act, the Philippine Development Plan (PDP) and the priority list of national and local projects shall be submitted to the Joint Congressional Oversight Committee.

SEC. 30. *Implementing Rules and Regulations.* — The members of the PPP Governing Board shall designate its representatives who shall constitute the IRR Committee. Within sixty (60) days from the effectivity of this Act, the IRR Committee shall formulate and prescribe, in consultation with the PPP Center, after public hearing and publication as required by law, the rules and regulations to implement the provisions of this Act. The IRR shall be approved by the PPP Governing Board.

From time to time the PPP Governing Board may instruct the IRR Committee, to conduct, formulate and prescribe, in consultation with the PPP Center, after due public hearing and publication, amendments to the IRR, consistent with the provisions of this Act.

SEC. 31. *Separability Clause.* — If any provision of this Act is held invalid, the other provisions not affected thereby shall continue in operation.

SEC. 32. *Repealing Clause.* — Republic Act No. 7718, Republic Act No. 6957, Sec. 3(a) of Presidential Decree (PD) No. 1 112, Section 2 of PD No. 1894, and Executive Order (EO) No. 08 (s. 2010) as amended by EO 136 (s. 2013), EO 78 (s. 2012), Section 8 of EO No. 423 (s. 2005), 2013 Revised Guidelines and Procedures for Entering into Joint Venture Agreements Between Government and Private Entities, Joint Venture Guidelines issued by LGUs, and PPP Codes issued by LGUs, are hereby repealed. All other laws, rules and regulations or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SEC. 33. *Effectivity.* — This Act shall take effect fifteen (15) days from the date of publication in the Official Gazette or in at least two (2) newspapers of general circulation.

Approved,