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10 March 2022

MEMORANDUM

FOR : **The Assistant Secretary**
Field Operations – Luzon

The Administrator
National Mapping and Resource Information Authority

The Directors
Environmental Management Bureau
Biodiversity and Management Bureau
Ecosystems Research and Development Bureau
Mines and Geosciences Bureau
Legal Affairs Service
Policy and Planning Service

FROM : **The Director**
Legislative Liaison Office

SUBJECT : **INVITATION FROM SENATE COMMITTEE ON ECONOMIC AFFAIRS**

This pertains to a letter from the Senate Committee on Economic Affairs dated 22 February 2022 inviting the Department in a Virtual Public Hearing via **CISCO WEBEX Teleconferencing** on **March 15, 2022 (Tuesday) 10:00 am** to provide comments and recommendations on **Senate Bill No. 707**, entitled: “**Philippine Rise Development Authority Act**”, authored by Sen. Angara and **Senate Bill No. 2039**, entitled: “**Philippine Rise Resource Development Authority Act**”, authored by Sen. Marcos.

Kindly inform this Office of your attendance and your email address, for the CISCO WEBEX Teleconferencing before the scheduled date of the meeting and please submit presentation, comments and/or position in hard or soft copies to the Legislative Liaison Office, number 8920-1761, at the e-mail address denrlegislative@yahoo.com

For your information and compliance.


ROMIROSE B. PADIN



Republic of the Philippines
Senate
Pasay City
COMMITTEE ON ECONOMIC AFFAIRS

February 22, 2022

MR. JIM O. SAMPULNA, (CESO I)
Secretary, Officer-in-Charge
Department of Environment and Natural Resources

Dear Secretary Sampulna:

The Senate Committee on Economic Affairs Chaired by Sen. Imee Marcos will hold a Virtual Public Hearing on **SBN 707** entitled: "*Philippine Rise Development Authority ACT or (PRDA)*", introduced by Sen. Angara and **SBN 2039** entitled: "*Philippine Rise Resource Development Authority Act*", introduced by Sen. Marcos, on **March 15, 2022 (Tuesday) 10:00** a.m. at the **Sen. Recto Room, 2nd Floor, Senate of the Philippines** via **CISCO WEBEX Teleconferencing**.

In this regard, the Committee would like to solicit your comments and inputs to the above mentioned legislative measures. These will be very valuable to the Committee and to the Senate mainly along its thrust of crafting meaningful legislation for the Filipino people.

Please submit your comments/position paper on or before March 9, 2022 at senatecomeconaffairs@gmail.com .

Likewise, your attendance and participation in this Public Hearing will be highly appreciated by the Committee. Please send us your email address and/or your representatives' email address to facilitate inclusion in the public hearing via teleconferencing.

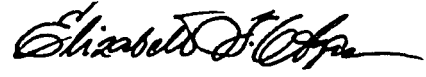
Attached is a copy of the subject measure which is also available at www.senate.gov.ph for your ready reference. For inquiries and clarifications, please coordinate with the undersigned at cellphone no. 0917-6781560.

Thank you for your usual support and cooperation.

Very truly yours,

SEN. IMEE MARCOS
Chairperson
Committee on Economic Affairs

For the Chairperson:

A handwritten signature in black ink, appearing to read "Elizabeth F. Agas". The signature is written in a cursive style with a long, sweeping tail.

ELIZABETH F. AGAS
Committee Secretary

'19 JUL 23 P5:15

SENATE
S. B. No. 707

RECEIVED

Introduced by Senator SONNY ANGARA

AN ACT
CREATING THE PHILIPPINE RISE DEVELOPMENT AUTHORITY (PRDA),
DEFINING ITS POWERS AND FUNCTIONS, PROVIDING FUNDS THEREFOR
AND FOR OTHER PURPOSES

EXPLANATORY NOTE

The Philippine Rise (previously Benham Rise) - a 13-million-hectare undersea plateau around 250 kilometers off the coastline of Aurora province - is touted to have vast natural gas deposits and mineral resources, such as manganese. Estimated to be a much larger landmass than Luzon, Philippine Rise is also the natural breeding ground and habitat for several marine species - making it a prime fishing spot.

Discovered in 1933, Philippine Rise officially became part of the Philippines in 2012 when the UN Commission on the Limits of the Continental Shelf ruled that under the UN Convention on the Law of the Sea (UNCLOS), the undersea landmass was contiguous with the country's continental shelf and hence, fell under its exclusive economic zone. In short, it is undisputedly part of Philippine territory.

In spite of the lapse of 9 years since its award, Philippine Rise remains largely unexplored, however. While many champion its immense benefits particularly to the country's energy and food security, the underwater geographic feature needs to be subjected to further scientific scrutiny. Last May 2016, scientists and marine researchers have discovered a vast and pristine coral reef ecosystem in Philippine Rise.

There is a pressing need to scale up and sustain the scientific study and exploration of Philippine Rise. A proper inventory of the undersea plateau would surely prove crucial in crafting a roadmap on how the country can develop and ultimately benefit including as a potential energy source from the dwindling Malampaya natural

gas resource. As such, the extensive participation of several government agencies and other stakeholders will have to be coordinated meaningfully.

Hence, we propose that a Philippine Rise Development Authority (PRDA), attached to the Office of the President, as the lead agency in conducting scientific research and exploration in Philippine Rise should be created immediately.

Once equipped with such information, the PRDA shall take the lead in formulating and implementing a development roadmap for Philippine Rise, ensuring that it is aligned with the country's Philippine Development Plan.

As such, swift passage of the foregoing measure is earnestly sought.



SONNY ANGARA

'19 JUL 23 P5:15

SENATE
S. B. No. 707

RECEIVED

Introduced by Senator SONNY ANGARA

AN ACT
CREATING THE PHILIPPINE RISE DEVELOPMENT AUTHORITY (PRDA),
DEFINING ITS POWERS AND FUNCTIONS, PROVIDING FUNDS THEREFOR
AND FOR OTHER PURPOSES

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

1 Section 1. *Short Title.* – This Act shall be known as the "Philippine Rise
2 Development Authority Act" or "PRDA Act".

3 Sec. 2. *Declaration of Policy.* – It is hereby declared a policy of the State to tap
4 and accelerate the sound management and sustainable development of the Philippine
5 Rise, particularly on its potential to be a rich source of alternative energy and marine
6 resources, and as a possible tourism destination. Towards this end, an effective
7 institutional mechanism with due regard to the precautionary principle, as well as
8 ecosystem-based and science-based approaches, shall be established to address the
9 need for a coordinated and integrated approach in the formulation and implementation
10 of various development plans, programs, and projects that will optimize the full
11 potential of the Philippine Rise while conserving its ecology and resources for the
12 benefit of future generations.

13 Sec. 3. *Creation of the Philippine Rise Development Authority.* – There is hereby
14 created a body corporate to be known as the Philippine Rise Development Authority,
15 hereinafter referred to as the Authority, which shall promote, coordinate and facilitate
16 the active and extensive participation of all sectors to effect the exploration, study,

1 and development, as well as the conservation and protection, of the natural resources
2 within the Philippine Rise.

3 The Authority shall also be the lead agency in conducting scientific research
4 and exploration and shall secure the rights of the State over the area. Explorations
5 must be done in partnership with the Department of Environment and Natural
6 Resources–Biodiversity Management Bureau (DENR-BMB), Department of
7 Agriculture–Bureau of Fisheries and Aquatic Resources (DA-BFAR), and academic
8 institutions with the necessary competence to conduct rigorous and comprehensive
9 studies in the Philippine Rise area.

10 The Authority shall be organized within one hundred eighty (180) days after
11 the approval of this Act. It shall have a term of fifty (50) years from its organization
12 and may be renewed for another fifty (50) years, unless otherwise provided by law.
13 It shall be an attached agency to the Office of the President. It shall establish its first
14 office in the Aurora Pacific Economic and Freeport Zone and may put up such other
15 offices as may be necessary to achieve the objectives of this Act.

16 *Sec. 4. Coverage.* – The PRDA shall cover all natural resources located in the
17 undersea feature known as the Philippine Rise Region, within the Philippine exclusive
18 economic zone and continental shelf, as well as the outer limits of the extended
19 continental shelf pursuant to the recommendations of the Commission on the Limits
20 of the Continental Shelf (CLCS) issued on April 12, 2012, and bounded by the
21 coordinates 12⁰30'N to 20⁰30'N latitude and 122⁰30'E to 129⁰30'E longitude, excluding
22 the fifteen-kilometer municipal waters of adjacent coastal areas.

23 *Sec. 5. Powers and Functions of the Philippine Rise Development Authority.* –
24 In the exercise of its mandate, the Authority shall have the following powers and
25 functions:

- 26 a) Formulate and advocate national policies that will foster the integrated,
27 balanced, and sustainable development framework for the Philippine Rise that
28 is consistent with the development initiatives of the national government, as
29 far as practicable;
- 30 b) Develop, plan, program, prioritize, integrate, and implement, whenever allowed
31 and authorized by applicable laws, programs, projects, and activities at the
32 Philippine Rise;

- 1 c) Recommend to or coordinate with the proper government agencies programs,
2 projects, and activities soliciting or requiring their direct or indirect assistance
3 including, but not limited to, technical support and physical assistance for the
4 prioritization of the region's environmental, agricultural, fisheries, marine and
5 non-marine biodiversity, energy, industrial, commercial, infrastructure, tourism,
6 technological, and scientific concerns;
- 7 d) Review Philippine Rise programs, projects, and activities by the national
8 government and donor agencies, subject to existing laws, rules, and
9 regulations, for the purpose of ensuring consistency with national policies and
10 plans, as well as monitor, evaluate, and formulate recommendations in the
11 implementation of such programs, projects, and activities;
- 12 e) Establish a complete, comprehensive, and integrated database on the
13 Philippine Rise prior to the conduct of any exploration activities, whenever
14 possible. For this purpose, the Authority may coordinate with academic
15 institutions concerned to conduct comprehensive survey and assessment and
16 generate resource map of the Philippine Rise which shall be the underlying
17 foundation for all policy and management decisions;
- 18 f) Create an area research plan and coordinate research initiatives and exploration
19 in the Philippine Rise region, establish a repository of research data, and
20 provide incentives for such research and exploration activities;
- 21 g) Promote the protection and conservation of important marine biodiversity and
22 fishery resources, including marine genetic resources, which are important for
23 ensuring climate change resiliency and food security;
- 24 h) Promote and facilitate public and private investments that would enhance the
25 integrated, balanced, and sustainable development of the Philippine Rise, and
26 explore other sources of financing for priority Philippine Rise related programs,
27 projects, and activities, in close coordination with agencies primarily mandated
28 to undertake such functions;
- 29 i) Receive and administer donations, contributions, grants, bequests, or gifts, in
30 cash or in kind, from foreign governments, international agencies, private
31 entities, and other sources, including Official Development Assistance, subject
32 to existing laws, rules, and regulations;

- 1 j) Sue and be sued, and as approved by the Board, enter into contracts, acquire,
2 purchase, hold, lease, transfer, or dispose of properties of any kind or nature
3 to carry out the purposes of this Act;
- 4 k) Issue clearances, including the necessary rules and standards, for all proposals,
5 plans, programs, projects, or any activity involving the Philippine Rise Region
6 including, but not limited to, marine science research, exploration, and
7 exploitation, whether conducted by Filipino or foreign nationals, in accordance
8 with Sec. 7 of this Act;
- 9 l) Request the President of the Philippines and other government agencies for
10 any needed assistance in the enforcement of all applicable laws, rules, and
11 regulations, the exploration and scientific study of the entire region, the
12 sustainable exploitation of its natural bounties, and the protection of national
13 security and national interests, including law enforcement against illegal
14 intruders and poachers; and
- 15 m) Discharge such other functions as may be deemed necessary to carry out its
16 mandate under this Act or as may be provided by law.

17 The Authority, through its Administrator, shall submit to the President and both
18 Houses of Congress annual reports on its accomplishments and activities.

19 *Sec. 6. Board of Directors.* – The power of the Authority shall be vested in and
20 exercised by a Board of Directors, hereinafter referred to as the Board, which shall
21 manage and supervise the overall directions and thrusts. It shall be composed of the
22 following:

- 23 a) The President of the Philippines who shall act as the Chairperson of the Board;
24 b) The Administrator of the Philippine Rise Development Authority who shall act
25 as the Vice-Chairperson of the Board; and
- 26 c) Thirteen (13) other members composed of the following:
- 27 1. The NEDA Director-General or the duly authorized representative;
 - 28 2. The Department of Environment and Natural Resources (DENR)
29 Secretary or the duly authorized representative;
 - 30 3. The Department of Energy (DOE) Secretary or the duly authorized
31 representative;

- 1 4. The Department of Agriculture (DA) Secretary or the duly authorized
2 representative;
- 3 5. The Department of Science and Technology (DOST) Secretary or the
4 duly authorized representative;
- 5 6. The Department of Finance (DOF) Secretary or the duly authorized
6 representative;
- 7 7. The Department of Budget and Management (DBM) Secretary or the
8 duly authorized representative;
- 9 8. The Department of National Defense (DND) Secretary or the duly
10 authorized representative;
- 11 9. The Department of Foreign Affairs (DFA) Secretary or the duly
12 authorized representative;
- 13 10. The Department of Transportation (DOTr) Secretary or the duly
14 authorized representative;
- 15 11. The National Coast Watch Council (NCWC) Executive Director or the duly
16 authorized representative;
- 17 12. The National Security Council (NSC) National Security Adviser and
18 Director General or the duly authorized representative; and
- 19 13. The University of the Philippines (UP) President or the duly authorized
20 representative.

21 The members of the Board shall receive a per diem at a rate to be determined
22 by the Governance Commission for Government Owned or Controlled Corporations
23 (GCG), in accordance with existing rules and regulations: *Provided, however,* That the
24 per diem collected per month does not exceed the equivalent per diem of four (4)
25 meetings: *Provided, further,* That the amount of per diem for every Board meeting
26 may be increased by the President or GCG but such amount shall not be increased
27 within two (2) years from its last increase.

28 The Board shall have the following functions:

- 29 a) Provide direction and guidance for the Authority's work and thrusts for the
30 Philippine Rise;
- 31 b) Ensure that the goals and policies of the Authority are consistent with the
32 overall national development goals and objectives, and that the programs of

- 1 the Authority are consistent with regional and local development plans,
2 programs, and projects, and vice versa, for purposes of harmonization;
- 3 c) Explore sources for financing of priority Philippine Rise plans, programs,
4 projects, and activities;
- 5 d) Create committees or task forces as may be deemed necessary in the
6 accomplishment of its functions;
- 7 e) Determine schedules, establish voting procedures, criteria for the constitution
8 of a quorum, and other rules and regulations in the conduct of Board meetings;
- 9 f) Approve contracts and enter into agreements to carry out the purposes of this
10 Act, except when authority to sign such contracts and/or agreements is vested
11 in a specific government officer or entity; and
- 12 g) Perform such other functions as may be necessary to carry out the purposes of
13 this Act.

14 *Sec. 7. Issuance of Clearances by the Authority.* – No proposals, plans,
15 programs, projects, or activities involving the Philippine Rise Region including, but not
16 limited to, marine science research, exploration, and exploitation, whether conducted
17 by Filipino and foreign nationals, shall be carried out, nor shall any license or permit
18 be issued in relation to the same, without the clearance of the Authority.

19 The Authority shall issue the necessary clearance for all approved proposals,
20 plans, programs, projects, or activities within twenty (20) calendar days from
21 submission thereof. In cases where the Authority fails to act within the same 20-day
22 period, the submissions shall be deemed approved. Any decision of disapproval by
23 the Authority may be appealed within fifteen (15) calendar days from receipt thereof
24 to the Office of the President whose decision shall be final.

25 The Authority shall issue rules and standards concerning the clearance required
26 under this section: *Provided*, That such clearance must be secured before all other
27 permits and/or licenses required under existing and applicable laws shall be issued:
28 *Provided, further*, That the grant or denial of an application for clearance shall be
29 made on the basis of this Act, other laws and regulations applicable to the Philippine
30 Rise, and the integrated, balanced, and sustainable development framework
31 formulated under Sec. 5(a) of this Act.

1 *Sec. 8. Accrual of Revenues and Receipts to the General Fund.* – All revenues
2 and receipts from any and all sources including the government share representing
3 royalties, rentals, production share on service contracts, and similar payments on the
4 development, exploration, and exploitation of energy resources within the Philippine
5 Rise shall be remitted to the National Treasury and shall accrue to the General Fund.

6 *Sec. 9. Advisory Panel of Technical Experts.* – The Authority shall constitute an
7 advisory panel of technical experts consisting of practitioners in disciplines that are
8 related to oil and gas extraction and processing, hydrography, marine ecology,
9 surveying, hydrology, including, but not limited to, oceanography.

10 The Advisory Panel shall perform research and development and provide
11 technical advice to the Authority in maritime science, technologies, and best practices
12 for the extraction and development of oil and gas fields.

13 The Authority shall set the qualifications and compensation for the technical
14 experts. It shall provide resources for the operations and activities of the Advisory
15 Panel.

16 *Sec. 10. Administrator.* – The Authority shall have an Administrator who shall
17 be appointed by the President of the Philippines, upon recommendation of the Board.
18 The Administrator shall serve a term of six (6) years from the date of his/her
19 appointment unless sooner separated from service due to death, voluntary
20 resignation, or removal for cause: *Provided*, That no person shall be appointed as
21 Administrator unless he/she is a Filipino citizen, holder of a degree in law or a masters
22 degree in any of the following fields: economics, business, public administration, law,
23 management, or their equivalent, and have at least ten (10) years of relevant
24 experience in said fields: *Provided, further*, That he/she shall be a resident of the
25 Philippines for at least five (5) years before the appointment.

26 *Sec. 11. Powers and Duties of the Administrator; Secretariat.* – The
27 Administrator shall have the following powers and duties:

- 28 a) Direct and manage the affairs of the Authority in accordance with the policies
29 of the Board;
- 30 b) Call and preside over meetings of the Board in the absence of the Chairperson,
31 and supervise and direct its Secretariat;

1 A Secretariat is hereby established to serve and assist the Board in the
2 effective implementation of this Act. The Head of the Secretariat shall be
3 appointed by the Administrator upon recommendation by the Board: *Provided,*
4 That no person shall be appointed as Head of the Secretariat unless he/she is
5 a Filipino citizen, holder of a degree in any of the following fields: economics,
6 business, public administration, law, management, or their equivalent, and
7 have at least five (5) years of relevant experience in said fields: *Provided,*
8 *further,* That he/she shall be a resident of the Philippines for at least five (5)
9 years prior to his/her appointment and has the requisite eligibilities for third
10 level career service position pursuant to the career executive rank system;

- 11 c) Ensure the proper implementation of applicable policies, programs, and rules
12 and regulations, including the resolutions of the Board;
- 13 d) Identify solutions to key issues and concerns, taking into account related risks,
14 affected parties, and impact, in coordination with the Board and key
15 stakeholders;
- 16 e) Advocate the Authority's work among the various concerned sectors and
17 stakeholders;
- 18 f) Call on any agency, group, individual member of the Board, local government
19 unit, and host community to address issues and concerns relating to the
20 implementation of major programs, projects, and activities;
- 21 g) Supervise the monitoring and timely implementation of Philippine Rise related
22 programs, projects, and activities;
- 23 h) Endorse to the Board all policy recommendations, plans, and programs for
24 approval;
- 25 i) Accept, on behalf and upon approval of the Authority, donations, contributions,
26 grants, gifts, bequests, or devises, in cash or in kind, from members, foreign
27 governments, international agencies, private entities, or any individual for
28 purposes that will realize the functions of the Authority;
- 29 j) Supervise administrative operations, including disbursement of any fund of the
30 Authority, subject to the usual accounting and auditing procedures, and submit
31 reports thereon;
- 32 k) Execute and administer the policies and measures approved by the Board;

- 1 l) Appoint all employees of the Authority, and remove, dismiss, or otherwise
2 discipline for cause, such employees in accordance with the standard guidelines
3 for recruitment, employment, and discipline under civil service law, rules, and
4 regulations;
- 5 m) Represent the Authority in all dealings with other offices, agencies, and
6 instrumentalities of the government and with all persons and entities, public or
7 private;
- 8 n) Sign agreements and/or contracts, on behalf of the Authority and upon the
9 Board's approval, including those for expert and consultant services and other
10 reports of accountabilities emanating from the Authority, except when authority
11 to sign such agreements, contracts, or reports is vested in a specific
12 government entity; and
- 13 o) Perform such other functions that the Board may direct to carry out the
14 provisions of this Act or which are necessary or incidental to his/her office.

15 Sec. 12. *Organizational Structure.* – The Administrator shall determine the
16 organizational structure, staffing pattern, and pay scales of the Authority subject to
17 existing civil service and compensation laws. Subject to the approval of the Board,
18 the Administrator may reorganize the Authority and may create or abolish divisions,
19 units, or branches therein as the exigencies of the affairs of the Authority may require.

20 Sec. 13. *Merit System.* – All officials and employees of the Authority shall be
21 selected and appointed on the basis of merit and fitness in accordance with civil
22 service law, rules, and regulations. The recruitment, transfer, promotion, and
23 dismissal of all its personnel, including temporary workers, shall be governed by a
24 merit system that will be established by the Authority in compliance with existing
25 laws, rules, and regulations.

26 Sec. 14. *Appropriations.* – Such amounts necessary to finance the initial
27 implementation of this Act shall be sourced from the unprogrammed funds in the
28 current General Appropriations Act (GAA). Thereafter, such amounts necessary for its
29 continued implementation shall be included in the annual GAA.

30 Sec. 15. *Implementing Rules and Regulations.* – The Authority, subject to the
31 approval of the Board and in consultation with other stakeholders shall, within sixty
32 (60) days from the date of effectivity of this Act, promulgate and publish the rules and

1 regulations for the effective and faithful implementation of this Act. *Provided, that*
2 the failure of the promulgation of the said rules and regulations shall not prevent the
3 implementation of this Act upon its effectivity.

4 Sec. 16. *Separability Clause.* – If any portion or provision of this Act is
5 subsequently declared invalid or unconstitutional, other provisions hereof which are
6 not affected thereby shall remain in full force and effect.

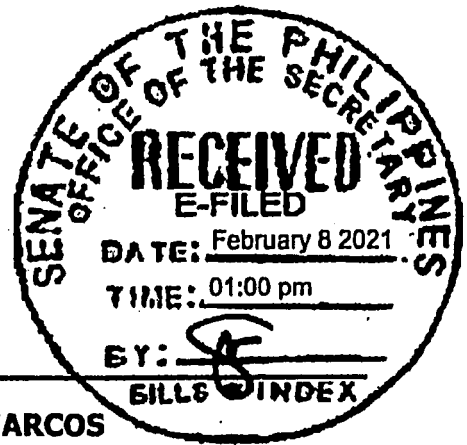
7 Sec. 17. *Repealing Clause.* – All other laws, acts, presidential decrees, executive
8 orders, presidential proclamations, issuances, rules and regulations, or parts thereof
9 which are contrary to or inconsistent with any of the provisions of this Act are hereby
10 repealed, amended, or modified accordingly.

11 Sec. 18. *Effectivity.* – This Act shall take effect fifteen (15) days after its
12 publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,

EIGHTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Second Regular Session)

SENATE
S.B. No. 2039



Introduced by **SENATOR IMEE R. MARCOS**

**AN ACT
CREATING THE PHILIPPINE RISE DEVELOPMENT
AUTHORITY, DEFINING ITS POWERS AND FUNCTIONS, PROVIDING
FUNDS THEREFOR, AND FOR OTHER PURPOSES**

EXPLANATORY NOTE

Article II, Section 7 of the 1987 Constitution provides that, "*the State shall pursue an Independent foreign policy. In its relations with other states, the paramount consideration shall be national sovereignty, territorial integrity, national interest, and the right to self-determination.*" Further, Article XII, Section 2 mandates that, "*The State shall protect the nation's marine wealth in its archipelagic waters, territorial sea, and exclusive economic zone, and reserve its use and enjoyment exclusively to Filipino citizens.*"

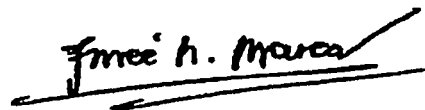
The "*Philippine Rise*", formerly known as the "*Benham Rise*," as per Executive Order No. 25, series of 2017, is a twenty-four (24) million hectare undersea feature sea located within the Philippine exclusive economic zone and continental shelf, as well as the outer limits of the continental shelf in accordance with the recommendations of the Commission on the Limits of the Continental Shelf (CLCS) issued on April 2012.

According to the University of the Philippines – Institute of Maritime Affairs and Law of the Sea Director Jay Batongbacal, the underwater plateau contains untapped natural gas and heavy metals. In addition, the area is rich in manganese deposits which is a vital component of steel production and as an ingredient of fertilizers and ceramics. While, Armed Forces of the Philippines Researcher Rowena Tatad reported that the Benham Bank, the shallowest part of the plateau, has minerals such as methane hydrate to which Geologist Hobart King anticipates to be a "*next energy game changer*" in the coming years since it stores an immense amount of energy when harnessed. Aside from that, the bank also houses a diverse community of marine life, including various soft and hard corals, algae, sponges, and fish.

Considering its substantial size and the existence of marine, oil, and other natural resources, President Rodrigo Roa Duterte ordered the area be protected from external threats and the conduct of extensive research and exploration to tap and accelerate the sound and sustainable development of the Philippine Rise particularly on its potential to be a rich source of alternative energy, marine resources and as a possible tourism destination.

Therefore, an effective Institutional mechanism is imperative to be established to address the need for an integrated approach in the formulation and implementation of various development plans, programs, and projects that will optimize the full potential of the Philippine Rise. Thus, this bill seeks to create the Philippine Rise Resource Development Authority which shall promote, coordinate, and facilitate the active and extensive participation of all sectors to effect the exploration, study, utilization, and development of the Philippine Rise. The Authority shall also be the lead agency to enforce the rights of the State over the area, including the conduct of research and exploration.

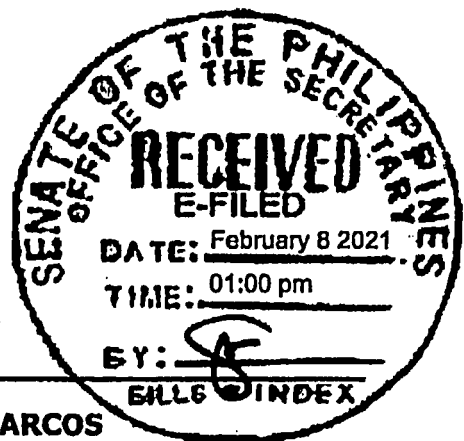
Thus, the immediate passage of this bill is earnestly sought.

A handwritten signature in black ink, reading "Imee R. Marcos", is written over a horizontal line. The signature is slanted upwards to the right.

IMEE R. MARCOS

EIGHTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Second Regular Session)

SENATE
S.B. No. 2039



Introduced by **SENATOR IMEE R. MARCOS**

**AN ACT
CREATING THE PHILIPPINE RISE RESOURCE DEVELOPMENT
AUTHORITY, DEFINING ITS POWERS AND FUNCTIONS, PROVIDING
FUNDS THEREFOR, AND FOR OTHER PURPOSES**

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

1 **SECTION. 1. Short Title.** – This Act shall be known as "*Philippine Rise Resource*
2 *Development Authority Act*".

3 **SEC. 2. Declaration of Policy.** – It is the policy of the State to give paramount
4 consideration to the State's national sovereignty, territorial integrity, national interest,
5 and the right to self-determination. The "*Philippine Rise*", formerly known as the
6 "*Benham Rise*," as per Executive Order No. 25, series of 2017, is a twenty-four (24)
7 million hectare undersea feature sea located within the Philippine exclusive economic
8 zone and continental shelf, as well as the outer limits of the continental shelf in
9 accordance with the recommendations of the Commission on the Limits of the
10 Continental Shelf (CLCS) which has a rich source of alternative energy, marine
11 resources and a possible tourism destination. The creation of a Philippine Rise
12 Resource Development Authority shall promote, coordinate, and facilitate the active
13 and extensive participation of all sectors to effect the exploration, study, utilization,
14 and development of the Philippine Rise.

15 **SEC. 3. Creation of the Philippine Rise Resource Development Authority.** – There
16 is hereby created a "Philippine Rise Resource Development Authority", hereinafter
17 referred to as the "Authority", which shall promote, coordinate, and facilitate the active
18 and extensive participation of all sectors to effect the exploration, study, utilization,
19 and development of the Philippine Rise. The Authority shall also be the lead agency
20 to enforce the rights of the State over the area, including the conduct of research and
21 exploration.

1 It shall be an attached agency to the National Economic Development Authority
2 (NEDA) and shall establish its principal office in the Aurora Pacific Economic and
3 Freeport Zone otherwise known as the "APECO" and may put up such branches as
4 may be necessary to achieve the objectives of this Act.

5 **SEC. 4. Coverage.** – The Authority shall cover all natural resources located at the
6 Philippine Rise, encompassing more or less the 13-million hectare underwater plateau
7 within coordinates 119°30'E to 132°00'E and 12°10'N to 20°30'N latitude, as provided
8 in the decision of the United Nations Convention on the Law of the Sea (UNCLOS)
9 which provides that the aforementioned landmass is part of the Philippine's
10 continental shelf and territory.

11 **SEC. 5. Powers and Functions of the Philippine Rise Resource Development**
12 **Authority.** – In the exercise of its mandate, the Authority shall have the following
13 powers and functions:

- 14 a) Formulate an integrated development framework for the Philippine Rise that
15 is consistent to the development initiatives of the national government, as
16 far as practicable;
- 17 b) Integrate, prioritize, program, and implement, whenever allowed and
18 authorized by applicable laws, programs, activities, and projects at the
19 Philippine Rise, including Official Development Assistance (ODA) projects,
20 subject to such limitations prescribed by existing laws, rules and regulations;
- 21 c) Recommend to and, whenever necessary, call upon the proper agencies on
22 the technical support, physical assistance and, generally, the level of priority
23 to be accorded to environmental, agricultural, fisheries, energy, industrial,
24 commercial, infrastructure, tourism, technological and scientific programs
25 and projects soliciting or requiring direct or indirect help from or through the
26 national government or any of its agencies or instrumentalities;
- 27 d) Advocate national policies that will foster the integrated, balanced, and
28 sustainable development of the Philippine Rise;
- 29 e) Promote and facilitate public and private investments in any field that would
30 enhance the economic development of the Philippine Rise in close
31 coordination with agencies primarily mandated to undertake such functions;
- 32 f) Explore other sources of financing, if applicable or necessary, for priority
33 Philippine Rise-related programs, projects and activities;
- 34 g) Coordinate and facilitate the extension of necessary planning, management
35 and technical assistance to prospective and existing investors,
36 complementary and in support of agencies primarily mandated to execute
37 such functions;
- 38 h) Establish a comprehensive and integrated database on the Philippine Rise
39 needed for planning and decision making;

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- l) Monitor, evaluate and formulate recommendations in the implementation of development programs, activities and projects involving the Philippine Rise;
 - j) Provide strategic direction for the sustainable and long-term development of the Philippine Rise;
 - k) Establish appropriate mechanisms to ensure the timely implementation of the Philippine Rise projects, whenever necessary, as far as practicable, including, but not limited to, public-private partnership;
 - l) Review and recommend for approval by the National Economic and Development Authority (NEDA) Board such Philippine Rise programs, projects, and plans by the national government and donor agencies subject to existing laws, rules and regulations;
 - m) Act as the official and permanent lead agency of the government in coordinating the formulation and implementation of policies and programs;
 - n) Receive and administer donations, contributions, grants, bequests or gifts, in cash or in kind, from foreign governments, international agencies, private entities and other sources, including ODA, to be used in the development of the Philippine Rise, subject to existing laws, rules and regulations;
 - o) To sue and be sued, enter into contracts, acquire, purchase, hold, lease, transfer, dispose of property of any kind or nature to carry out the purposes to this Act; and,
 - p) Any other function/s that may be deemed necessary or as may be provided by law.

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The Authority, through the Administrator, shall submit to the President and Congress annual reports on its accomplishments and activities.

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SEC. 6. Board of Directors. – The power of the Authority shall be vested in and exercised by a Board of Directors, hereinafter referred to as the "Board", which shall manage and supervise the overall directions and thrusts. It shall be composed of the following:

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- a) The NEDA Director-General, which shall act as the Chairman of the Board;
 - b) The Administrator of the Philippine Rise Resource Development Authority, which shall act as the Vice-Chairman of the Board; and
 - c) Nine (9) other members composed of the following:
 - i. The Department of Environment and Natural Resources (DENR) Secretary or the duly authorized representative;
 - ii. The Department of Energy (DOE) Secretary or his/her duly authorized representative;
 - iii. The Department of Agriculture (DA) Secretary or his/her duly authorized representative;

- 1 iv. The Department of Science and Technology (DOST) Secretary or
2 his/her duly authorized representative;
- 3 v. Department of Finance (DOF) Secretary or his/her duly authorized
4 representative;
- 5 vi. Philippine Coast Guard (PCG) Commandant or his/her duly authorized
6 representative;
- 7 vii. Three (3) representatives from the private sector to be appointed by
8 the President, upon the recommendation of the other members of the
9 Board, comprising of one (1) representative each from the following:
10 (1) Business Sector;
11 (2) Academic Sector; and
12 (3) Science Sector

13 The term of the three (3) representatives from the private sector shall be six (6)
14 years: *Provided*, That at the initial appointment of such members, the second member
15 to be appointed shall only serve a term of four (4) years and the third member to be
16 appointed shall only serve a term of two (2) years: *Provided*, further, That they shall
17 continue to hold office until their successors shall have been appointed. All vacancies,
18 prior to the expiration of the term, shall be filled for the unexpired term only.

19 Members of the Board shall receive a per diem at a rate to be determined by the
20 Governance Commission for Government-Owned or -Controlled Corporations (GCG),
21 in accordance with existing rules and regulations. *Provided*, however, That the per
22 diem collected per month does not exceed the equivalent per diem of four (4)
23 meetings. *Provided*, further, That the amount of per diem for every Board meeting
24 may be increased by the President or GCG but such amount shall not be increased
25 within two (2) years from its last increase.

26 The Board shall have the following functions:

- 27 a) Provide direction and guidance for the Authority's work and thrusts for the
28 Philippine Rise;
- 29 b) Ensure that the goals and policies of the Authority are consistent with the
30 overall national development goals and objectives;
- 31 c) Ensure that the programs of the Authority are consistent with regional and
32 local development plans, programs, and projects and vice versa for purposes
33 of harmonization;
- 34 d) Explore sources for financing of priority Philippine Rise plans, programs,
35 projects and activities;
- 36 e) Create committees/task forces as may be deemed necessary in
37 the accomplishment of duties and functions;

- 1 f) Determine schedules, establish voting procedures, criteria for the constitution
2 of a quorum and other rules and regulations in the conduct of Board
3 meetings; and
4 g) Perform such functions, as may be necessary, to carry out the purposes of
5 this Act.

6 **SEC. 7. Administrator.** – The Authority shall be headed by an Administrator which
7 shall be appointed by the President of the Philippines, upon recommendation of the
8 NEDA Director-General. The Administrator shall serve a term of six (6) years from the
9 date of his/her appointment unless sooner separated from service due to death,
10 voluntary resignation, or removal for cause. Provided, That no person shall be
11 appointed as Administrator unless he/she is a holder of a degree in law or a masters
12 degree in any of the following fields: economics, business, public administration, law,
13 management or their equivalent and have at least ten (10) years relevant experience
14 in said fields. Provided, further, That he/she shall be a resident of the Philippines for
15 at least five (5) years before the appointment.

16 **SEC. 8. Powers and Duties of the Administrator.** – The Administrator shall have
17 the following powers and duties:

- 18 a) To direct and manage the affairs of the Authority in accordance with the
19 policies of the Board;
20 b) Call and preside meetings of the Board and see to it that the policies,
21 programs and rules and regulations are implemented properly;
22 c) Call on outstanding and credible individuals in the formulation and
23 implementation of a comprehensive and integrated development plan for the
24 Philippine Rise, the preparation of investment programming priorities, annual
25 reports, and other pertinent documents approved by the Authority;
26 d) Identify solutions to key issues and concerns, taking into account related
27 risks, affected parties and impact, in coordination with the Board and key
28 stakeholders;
29 e) Advocate the Authority's work among the various concerned sectors and
30 stakeholders;
31 f) Call on any agency, group, individual member of the Board, local government
32 unit, and host community to address issues and concerns relating to
33 implementation of major programs, projects and activities;
34 g) Supervise the monitoring and timely implementation of the Philippine Rise
35 related programs, projects and activities;
36 h) Endorse to the Board all policy recommendations, plans and programs for
37 approval;
38 i) Accept, on behalf of the Authority, donations, contributions, grants and
39 bequests or gifts, in cash or in kind, from members, foreign governments,

- 1 International agencies, private entities or any individual for purpose that will
2 realize the functions of the Authority;
- 3 j) Supervise administrative operations including disbursement of any fund of
4 the Authority, subject to the usual accounting and auditing procedures, and
5 submit reports thereon;
- 6 k) Execute and administer the policies and measures approved by the Board;
- 7 l) Appoint all employees of the Authority, and remove, dismiss or otherwise
8 discipline for cause, such employees in accordance with the standard
9 guidelines for recruitment, employment, and discipline in the Civil Service
10 Code;
- 11 m) Represent the Authority in all dealings with other offices, agencies, and
12 instrumentalities of the government and with all persons and entities, public
13 or private;
- 14 n) Sign agreements and/or contracts on behalf of the Authority, including those
15 for expert and consultant services and other reports of accountabilities
16 emanating from the Authority; and
- 17 o) Such other functions that the Board may direct to carry out the provisions of
18 this Act or which are necessary or incidental to his/her office.

19 **SEC. 9. Secretariat.** – A Secretariat is hereby established to serve and assist the
20 Board in the effective implementation of this Act. The Secretariat shall be headed by
21 the Administrator which shall be assisted by four (4) Deputy Administrators. Provided,
22 That no person shall be appointed as a Deputy Administrator unless he/she is a holder
23 of a degree in any of the following fields: economics, business, public
24 administration, law, management or their equivalent and have at least five (5) years
25 relevant experience in said fields: *Provided, further,* That he/she shall be a resident
26 of the Philippines five (5) years prior to his/her appointment and has the requisite
27 eligibilities for third level career service position pursuant to the career executive rank
28 system.

29 Upon recommendation of the Administrator, the Board shall approve the
30 appointment of the Deputy Administrators.

31 **SEC. 10. Organizational Structure.** – The Administrator shall determine the
32 organizational structure, staffing pattern and pay scales of the Authority subject to
33 existing civil service and compensation laws and as may be approved by the Board.
34 The Administrator, in coordination and with approval of the Board, may also reorganize
35 the Authority and may create or abolish divisions, units or branches therein as the
36 exigencies of the affairs of the Authority may require.

37 **SEC. 11. Merit System.** – All officials and employees of the Authority shall be
38 selected and appointed on the basis of merit and fitness in accordance with civil service
39 law, rules and regulations. The recruitment, transfer, promotion, and dismissal of all

1 its personnel including temporary workers shall be governed by a merit system that
2 will be established by the Authority in compliance with existing laws, rules and
3 regulations.

4 **SEC. 12. Appropriations.** – The amount necessary to implement this Act shall be
5 included in the General Appropriations Act (GAA).

6 **SEC. 13. Implementing Rules and Regulations.** – The Administrator, in
7 coordination with the DENR, DOE, DA, DOST, DOF, PCG, and NEDA and in consultation
8 with other stakeholders shall, within sixty (60) days from the date of effectivity of this
9 Act, promulgate and publish the rules and regulations for the effective and
10 implementation of this Act: *Provided*, That the failure of the promulgation of the said
11 rules and regulations shall not prevent the implementation of this Act upon its
12 effectivity.

13 **SEC. 14. Separability Clause.** – If, for any reason or reasons, any part or provision
14 of this Act shall be declared as unconstitutional or invalid, the other parts or provisions
15 hereof which are not affected thereby shall continue to be in full force and effect.

16 **SEC. 15. Repealing Clause.** – All provisions of existing laws, orders, rules and
17 regulations or parts thereof which are in conflict or inconsistent with the provisions of
18 this Act are hereby repealed, amended or modified accordingly.

19 **SEC. 16. Effectivity.** – This Act shall take effect effect fifteen (15) days after its
20 publication in the Official Gazette or in a newspaper of general circulation in the
21 Philippines.

Approved,