

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. **5360**



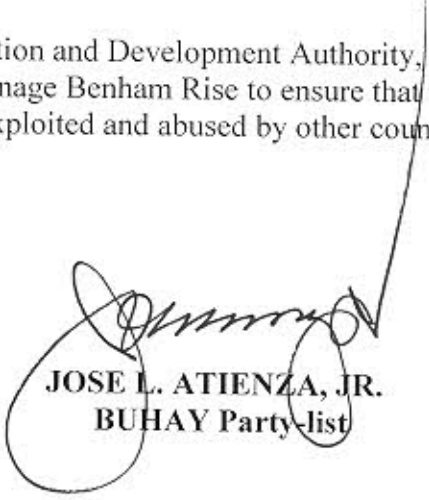
Introduced by: **HON. JOSE L. ATIENZA, JR.**

EXPLANATORY NOTE

The Benham Rise, located off the Philippines' Pacific Coast and within its exclusive economic zone, was confirmed by the United Nations Commission on the Limits of the Continental Shelf as part of its continental shelf on April 12, 2012. Our country has sovereign rights over this protected economic development area, together with the utilization of any and all natural resources within.

It has been established that indeed Benham Rise contains very essential natural gases and other minerals, as well as diverse marine life, including endangered species of fish. Hence, the urgent need to protect and sustainably develop the natural resources in the area.

This bill seeks to create the Benham Rise Protection and Development Authority, a technical government agency that would protect and manage Benham Rise to ensure that these natural resources that are rightfully ours would not be exploited and abused by other countries claiming it to be their own.


JOSE L. ATIENZA, JR.
BUHAY Party-list

Republic of the Philippines
Congress of the Philippines
Metro Manila

HOUSE OF REPRESENTATIVES

Seventeenth Congress
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House Bill No. **5360**

Introduced by Rep. Jose L. Atienza, Jr.

AN ACT
CREATING THE BENHAM RISE PROTECTION AND
DEVELOPMENT AUTHORITY, PROVIDING 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. Title. This Act shall be known as “Benham Rise Protection and Development Authority Act.”

Section 2. Declaration of Policy. – It is the policy of the State to protect and develop Benham Rise as part of the national territory consistent with the mandate provided under the constitution. For this purpose, it is imperative to create an institution that would be primarily responsible for the establishment, promotion, coordination, facilitation and implementation of policies, plans and programs to attain the objective of safeguarding national interests in and harnessing full and exclusive economic benefits from Benham Rise.

Section 3. *The Benham Rise Protection and Development Authority.* –

There is hereby created a body corporate to be known as Benham Rise Protection and Development Authority, hereinafter referred to as the “Authority.” It shall have a life of fifty (50) years from its organization and may be renewed for another fifty (50) years. It shall be organized not later than six (6) months after the approval of this Act. The Authority shall be an agency attached to the National Economic and Development Authority (NEDA).

Section 4. *Boundaries and Limits of Benham Rise.* – Benham Rise is a 13 million hectare, more or less, underwater region east of the island of Luzon off the provinces of Aurora and Isabela within coordinates 119°30'E to 132°00'E and 12°10'N to 20°30'N latitude recognized and approved by the United Nations Commission on the Limits of the Continental Shelf on April 12, 2012 as part of the continental shelf of the Philippines. All natural resources found in the waters, seabed and subsoil within Benham Rise form part of the national wealth and belongs to the State.

Section 5. *Powers and Functions of the Authority.* - The Authority shall have the following powers and functions:

- a. Formulate, in consultation and coordination with other relevant government agencies, non-government organizations and private individuals or entities, policies, plans and programs for the protection, preservation, sustainable development and utilization of all natural resources found within the Benham Rise region;
- b. Coordinate and work together with the legislative and executive bodies of government for the enactment of appropriate laws or executive issuances pertinent to the governance of the Benham Rise region, including the exploration, development and utilization of all natural resources found therein, to make sure the region's economic benefits are reserved and available exclusively to Filipinos only and that the development and utilization thereof are done in a balanced and sustainable manner for the enjoyment of future generations of Filipinos;
- c. Implement all laws, policies, plans and programs established and created for the protection, preservation and development of the Benham Rise region in coordination and cooperation with other relevant government agencies;
- d. Establish a comprehensive and integrated database on Benham Rise necessary for planning, formulation of programs and decision-making process;

e. Promote and facilitate public and private investments that would enhance the economic development of Benham Rise, in close coordination with the agencies primarily mandated to undertake such functions;

f. Call upon other government agencies for any needed assistance in the enforcement of all applicable laws, rules and regulations, the protection of national security and national interests, including law enforcements against illegal intruders and poachers, the exploration and scientific study of the entire area and the sustainable exploitation of the natural bounties of the region;

g. Raise funds from other sources than government appropriations to finance programs, projects and activities related to the protection and development of Benham Rise;

h. Advocate and promote education and public awareness about Benham Rise, including its history, the legal bases of the Philippines' sovereign rights over it, the natural resources found therein and other relevant facts and information;

i. Review and recommend for approval by the NEDA Board such Benham Rise programs, projects and plans by the national government and donor agencies, subject to existing laws, rules and regulations;

j. 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 Official Development Assistance (ODA), to be used in the development of Benham Rise, subject to existing laws, rules and regulations;

k. To cause the building of any structure that would be deemed necessary in the implementation of its mandate;

l. To sue and be sued, enter into contracts or agreements, acquire, purchase, hold, lease, transfer or dispose of property of any kind or nature to carry out the purposes of this Act;

m. Exercise such other functions that may be deemed necessary or as may be provided by law.

Section 6. *The Board of Directors.* - The powers and functions of the Authority are vested in and shall be exercised by the Board of Directors, hereinafter referred to as the "Board," which shall be composed of the following:

- a. The NEDA Director-General, which shall act as the Chairman of the Board;
- b. The Administrator of the Authority, which shall act as the Vice-Chairman of the Board;
- c. Eleven (11) other members composed of the following:
 1. The Secretary of the Department of Environment and Natural Resources (DENR) or his duly authorized representative;
 2. The Secretary of the Department of Energy (DOE) or his duly authorized representative;
 3. The Secretary of the Department of Agriculture (DA) or his duly authorized representative;
 4. The Secretary of the Department of Science and Technology (DOST) or his duly authorized representative;
 5. The Secretary of the Department of Finance (DOF) or his duly authorized representative;
 6. The Secretary of the Department of Tourism (DOT) or his duly authorized representative;
 7. The Secretary of the Department of Public Works and Highways (DPWH) or his duly authorized representative;
 8. The Secretary of the Department of National Defense (DND) or his duly authorized representative;
 9. Three (3) representatives from the private sector to be appointed by the President, upon the recommendation of the other members of the Board, comprising one (1) representative each from the:

- a. Business Sector;
- b. Academe;
- c. Non-government Organizations.

The term of the three (3) representatives from the private sector shall be six (6) years, provided that they shall continue to hold office until their successors shall have been appointed, provided further that all vacancies created prior to the expiration of the term of the member concerned shall be filled for the unexpired term only;

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

Section 7. *The Administrator.* – The Authority shall be headed by an Administrator which shall be appointed by the President of the Philippines upon the recommendation of the NEDA Director General. The Administrator shall serve for a term of six (6) years from the date of his or her appointment unless sooner separated from service by reason of death, voluntary resignation or removal from office for a cause, provided that no person shall be appointed as Administrator unless he or she is a holder of a degree in law or a masters degree in any of the following fields: economics, business, public administration, management or their equivalent and have at least ten (10) years relevant experience in said fields.

The Administrator shall exercise executive and/or administrative functions.

Section 8. *Organization.* – The Administrator shall draw up the organizational structure of the Authority, including the pay scales of staff, subject to existing civil service and compensation laws. The Administrator may reorganize the Authority and may create or abolish positions as the exigencies of the affairs of the Authority may require.

Section 9. *Appropriations.* – The amount necessary for the operation of the Authority shall be included in the annual General Appropriations Act (GAA), provided that such amount necessary for energy resource development and

exploitation shall be sourced from the Malampaya funds, subject to existing laws, rules and regulations.

Section 10. *Implementing Rules and Regulations.* – The Administrator, in coordination with the relevant government agencies and stakeholders, shall, within sixty (60) days from the effectivity of this Act, promulgate and publish the necessary implementing rules and regulations to give effect to the purposes and intent of this Act, provided that failure to promulgate such implementing rules and regulations shall not prevent the implementation of this Act upon its effectivity.

Section 11. *Separability Clause.* - If any provision of this Act is declared invalid, the remainder of this Act or any provision not affected thereby shall remain in force and effect;

Section 12. *Repealing Clause.* - All laws, presidential decrees, executive orders and their implementing rules, inconsistent with the provisions of this Act are hereby repealed, amended or modified accordingly.

Section 30. *Effectivity.* - This Act shall take effect fifteen (15) days after its publication in at least two (2) national newspapers of general circulation.

Approved.