

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

Eighteenth Congress
First Regular Session



HOUSE BILL NO. 5456

Introduced by **Representative JOEY SARTE SALCEDA**

AN ACT
GRANTING PRESIDENT RODRIGO ROA DUTERTE, SPECIAL POWERS IN
ADOPTING A NATIONAL POLICY IN SPEEDING UP THE IMPLEMENTATION OF
THE “BUILD, BUILD, BUILD” PROGRAM ON OR BEFORE 2022 OR WITHIN A
PERIOD OF TWO AND HALF YEARS, AND SUBJECT TO RESTRICTIONS, TO
IMPLEMENT RULES AND REGULATIONS NECESSARY AND PROPER TO CARRY
OUT SUCH POWERS.

EXPLANATORY NOTE

Midway through President Duterte administration’s term, its economic and infrastructure teams have just finished reviewing the flagship “Build, Build, Build” program to possibly include emerging 100 big-ticket projects being pitched by the private sector —although cautious not to commit any mistakes that would deem too accommodating to firms’ profits at the expense of taxpayers’ money. The program which was launched in 2017 is aimed at ushering in the “golden age of infrastructure” in the country. It is the largest and broadest infrastructure spending program ever undertaken by any Philippine government in the last 100 years. The gargantuan sum of approximately P4.3T will go to 100 priority infrastructures.

This program has to be supported with an emergency power to fast track the implementation as this would provide an inclusive growth, which means reducing poverty from 21.6% of population in 2015 to 14% by 2022. Poverty incidence in rural areas is intended to decrease from 30% to 20% in the same period. Also, the unemployment period will go down to 3%-5%. This program will catch up with its more vibrant neighbors by 2022 and would help achieve high-income economy status within a generation and middle-income status by 2022.

The immediate implementation of the “Build, Build, Build” program will complement meaningfully to the economic and social legislations that were already passed by Congress designed to accelerate the country’s growth rate, change the socio-economic structures, ensuring ecological integrity and towards achieving peace and security.

The Flagship Projects are divided into 5 categories, with 3 major considerations for the inclusion of the projects:

Major considerations

- Urgency which addresses a current problem or concern

- National or regional significance which relates to the impact or benefits of the project that can be felt by more people in a wider area
- Game-changing nature of the project which relates to the significant

Categories

1. Transport and Mobility
2. Water
3. Urban Development and Renewal (including Disaster Resilience Projects)
4. Information and Communications Technology
5. Power

Webster defines “emergency” as a state that calls for immediate action. Hence, without compromising transparency and accountability, the importance of the immediate passage of this bill cannot be sufficiently underscored.

The “Build, Build, Build” program is a work in progress but could be faster by easing procurement rigidities and empowering right of way. Out of the 75 of the original, 46 are being implemented as of 2019 mainly (1) GAA-funded, (2) ODA-funded with financial close, and (3) started in past admins. Out of the 100 expanded cum PPP, 54 have started or an additional 8. This proposed bill that gives special powers to the Office of the President covering the 75 original BBB enumerated with Flagship Projects Office under Sec. Vince Dizon as Administrator. *(See annex for the list of projects)*

This bill essentially proposes the following:

1. Declare the existence of national importance the immediate implementation of the flagship projects of the President.
2. Pursuant to Article VI, Section 23 (2), it authorizes the President to exercise special powers for three years necessary and proper to effectively respond to multiple problems as a consequence in fast tracking the implementation of the flagship project for the economic growth of the country.
3. Designate a Flagship Manager – the Chairman of the Bases Conversion and Development Authority Secretary Vince Dizon.
4. Authorize special modes of procurement.
5. Install safeguards through the implementation of EO on Freedom of Information and creation of Congressional Oversight Committee.
6. Provide an initial amount necessary for the implementation to be sourced from the current year’s budget of the concerned agencies implementing this Act and from savings of the National Government.

In light of the foregoing, the passage of this bill granting special powers to the President for the purpose of addressing the immediate implementation of the “Build, Build, Build” program on or before 2022 or within a period of two and half years, and subject to restrictions, to implement rules and regulations necessary and proper to carry out such powers, is earnestly sought.


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A PERIOD OF TWO AND HALF YEARS, AND SUBJECT TO RESTRICTIONS, TO
IMPLEMENT RULES AND REGULATIONS NECESSARY AND PROPER TO
CARRY OUT SUCH POWERS.

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

SECTION 1. *Short Title.* This Act shall be known as the "Flagship Emergency Act of 2019."

SECTION 2. *Declaration of Policy.* It is hereby declared a State policy to adopt adequate and effective measures that will immediately address the immediate implementation of the Flagship projects of the President under the “Build, Build, Build” program.

Consistent with the Constitutional mandate to promote the general welfare and social-economic justice in all phases of national development, the State shall promote a shift towards efficient, viable, competitive, integrated, environmentally sustainable, people-oriented, seamless economic development for the benefit of all citizens, the economy, and society.

Towards this end, the State shall adopt a strong system of accountability and transparency in the pursuit of its objectives; as well as rationalize and strengthen existing institutions and adopt responsive measures to address the immediate implementation of the flagship projects that spur high the economy towards achieving a higher growth rates by 2022 through properly plan infrastructure projects that will respond to this paradigm shift in the traditional procurement process to increase economic productivity and tourism appeal, sustaining the significant growth he country is currently enjoying.

The extraordinary remedy of granting emergency powers to the President/Executive Branch is for the purpose of addressing this national emergency and is limited to the period specified in this Act.

SECTION 3. *Definition of Terms.* The following terms shall mean:

- a. "Special Powers" shall refer to the authority granted to the President of the Republic of the Philippines under Section 23 (2), Article VI of the 1987 Philippine Constitution by the Congress for a limited period and subject to such restrictions as it may prescribe to exercise powers necessary and proper to carry out a declared policy.
- b. "Emergency" shall refer to the call for immediate action without compromising transparency and accountability.

SECTION 4. *Grant of Emergency Powers to the President/Executive Branch.* The President is hereby authorized to exercise all powers necessary and proper to carry out the above-declared national policy. As such, the President is hereby granted Special Powers to urgently utilize all necessary government resources, exercise police power, and employ executive actions and measures to ensure the effective implementation, reconfiguration, and harmonization of national and local government projects intended to address the economic growth, unhampered by existing laws, agreements, regulations, court orders, and procedures that would cause delay in addressing exclusively the implementation of flagship projects.

SECTION 5. *Rationalization and Reorganization of offices.* The President may reorganize and rationalize the existing structure of his office under the Executive branch, as far as practicable to ensure the effective implementation of the programs pursuant to this Act. The reorganization and rationalization of these departments and agencies must be implemented within six (6) months from the passage of this Act, in coordination with the Commission on Audit (COA), and the Civil Service Commission (CSC).

For this purpose, the President may realign funds to carry out the creation, merger, and/or rationalization or reorganization of offices.

SECTION 6. *Scope of Flagship Projects.* The special power is exclusively granted for the following projects:

Transport and Mobility

Project	Cost (millions)
Sangle Airport	1436.2
Unified Grand Central Station	2783
LRT 2 West Extension	10120
Bicol (New Legaspi) International Airport	4798
Mã€™lang (Central Mindanao) Airport	2600
Bonifacio Global City-Ortigas Center Link Road	
Project	1631
Pasacao-Balatan Tourism Coastal Highway	13280
Camarines Sur Expressway	8663

Panglao-Tagbilaran City Offshore Connector Bridge	4400
Metro Cebu Expressway Project	28019
Bacolod-Negros Occidental Economic Highway	6213
Boracay Circumferential Road	1660
Sindangan-Bayog-Lakewood Road, Zamboanga del Sur and Zamboanga del Norte	4251
Davao City Coastal Road Project, including Bucana bridge	26350
Cagayan de Oro Coastal Road	3433
Surallah-TBoli-San Jose Road, South Cotabato	3199
Metro Manila BRT Line 1 (Quezon Ave)	5463.38
Metro Manila Subway Project Phase 1	356964.2
MRT 3 Rehabilitation Project	22000
MRT 4	59346.05
LRT 2 East Extension	9500
EDSA Greenways	9731
Masbate (New) Airport	6900
North South Commuter Railway [PNR North 1]	149130
North South Commuter Railway Extension [PNR North 2, PNR South Commuter]	628421
PNR South Long Haul	175300
New Dumaguete (Bacong) Airport	6941
Cebu Bus Rapid Transit	16310
New Cebu International Container Port	2639.57
New Zamboanga International Airport	13938
Mindanao Rail Project Phase 1	97400
Subic Clark Railway	50031
China Grant Bridges Binondo-Intramuros Bridge (3,390.00) Estrella-Pantaleon Bridge (1,470.00)	4860
Pasig River and Manggahan Floodway Bridges Construction Project North and South Harbor Bridge (8,029.53) Beata-F. Y. Manalo Bridge (1,386.61)	
Palanca-Villegas Bridge (1,595.49) East-West Bank Bridge 2 (3,176.25) Blumentritt-Antipolo Bridge (1,103.34)	15291.22
Arterial Road ByPass Project Phase III (Plaridel Bypass)	5260
Iconic Bridge Projects for Socio Economic Development	5963
Bataan-Cavite Interlink Bridge	187000
Dalton Pass East Alignment Alternative Road Project	9500
Samar Pacific Coastal Road Project	1032
Cebu-Mactan Bridge and Coastal Road Construction Project	26000
Panay-Guimaras Negros Bridge	97300
Samal Island-Davao City Connector Bridge	16000
Guicam Bridge	1175
Tawi-Tawi Interlink Bridges	1802

Davao City Bypass Construction Project	37169
Road Network Development Project in Conflict Affected Areas in Mindanao	14302
Davao City Expressway	24500
Panguil Bay Bridge	7375
Taguig Integrated Terminal Exchange	4000
Manila Metro Line 1 Cavite Extension (Baclaran - Niog, Bacoor) (a.k.a LRT 1 Cavite Extension Project)	64900
MRT 7	70800
Clark International Airport Expansion Project Phase 1	14972.41
Southeast Metro Manila Expressway Project	45290
Metro Manila Skyway Stage 3	37430
NLEX-SLEX Connector Road	23300
C5 Southlink Expressway Project	12640
Southern Luzon Expressway Toll Road 4	19100
Quezon-Bicol Expressway	89296
New Manila International Airport	735634
Ninoy Aquino International Airport	101850
C5 MRT 10 Project	81470
Fort Bonifacio-Makati Sky Train	3520
MRT 11	71110
LRT 6 Cavite Line A/ Modified LRT 6 Project Phases 1 (Niog-Dasma City) and 2 (Dasma City- Tagaytay)	50380
New Bohol (Panglao) International Airport	25452
Kalibo International Airport	3843
Cebu Monorail System	78890
Laguindingan Airport	45830
Davao International Airport	48973
TPLEX Extension Project	23947
Cavite-Tagaytay-Batangas Expressway Project	22430

Water

Project	Cost (millions)
Bohol Northeast Basin Multipurpose Dam Project	4134
Malitubog-Maridagao Irrigation Project	5444.84
New Centennial Water Source - Kaliwa Dam Project	12189.01
Ipo Dam 3 Project	4000
Angat Water Transmission Improvement Project	3290
Aqueduct No. 7 Project	7420
Chico River Pump Irrigation Project	4372.9
Panay River Basin Integrated Development Project	19357
Kabulnan-2 Multipurpose Irrigation and Power Project	31220.93

Kanan Dam Project	56000
Wawa Bulk Water Supply Project	20000

Urban Development and Renewal

Project	Cost (millions)
Metro Manila Priority Bridges for Seismic Improvement Project	7933
Pasig-Marikina River Channel Improvement Phase IV	33097
Integrated Disaster Risk Reduction and Climate Change Adaptation Measures in the Low-Lying Areas of Pampanga Bay	16500
Cavite Industrial Area Flood Management Program	9890
Reconstruction and Development Plan for Greater Marawi (JICA grant)	970
Emergency Assistance for Reconstruction and Recovery of Marawi (ADB grant)	6835
Ambal Simuay River and Rio Grande de Mindanao River Flood Control Projects	39219.68
Marawi Rehabilitation (China Grant)	998.7
New Clark City Phase 1	18000

Information and Communications Technology

Project	Cost (millions)
The National Broadband Program	38091.17
National Government Data Center	276.62
Road Transport Information Technology Infrastructure Project Phase I (LTO IT)	8000
Philippine Identification System	TBD
Luzon Bypass Infrastructure Project	1000
Safe Philippines Project Phase 1	20313.92
Automated Fare Collection Clearing House	3500

Power

Project	Cost (millions)
Agus-Pulangi Rehabilitation Project	20000
Agus 3 Hydroelectric Power Project (225 MW)	46.37

SECTION 7. *Appointment of a Flagship Project Manager.* The Chairman of the Bases Conversion Development Authority (BCDA) is designated as the Flagship Program Manager and shall exercise overall management, supervision, and control, as well as oversee the implementation of the Program. He/She shall sufficiently and purposely exercise all powers and authority delegated by the President in order to mobilize resources of the different national government agencies and to expeditiously and effectively implement program. He/She shall coordinate with other relevant national government agencies, government-owned and -controlled corporations, government financial institutions, and private stakeholders in the exercise of his/her functions.

SECTION 8. *Powers of the Flagship Project Manager.* The powers of the Flagship Project Manager shall be as follows:

- a. To modify, amend, or expand the functions of permit issuing agencies, to override their permits and licenses, including ordinances of affected Local Government Units resolutions, land and home owners association, as well as the relevant and existing procedures, and implement such other measures as exigencies shall require.
- b. To integrate different procurement modes in easing the implementation of the program;
- c. To operate and takeover of necessary public transport systems and infrastructures;
- d. To transfer and relocate of affected communities;
- e. To enter into a joint venture agreement or other agreements, negotiation, compromise for the purpose of expediting the implementation of the flagship infrastructure programs.
- e. To construct structures or implement roadworks that would improve traffic flow affected by the construction of the projects;
- f. To rapidly response to accidents and incidents as a result of the implementation;
- g. To reclaim and relocate the current occupant, free of charge, but subject to applicable resettlement laws and policies, of all properties owned by or forming part of the right of way;
- h. To acquire any land or property for the purpose of developing future projects, in order to minimize cost of acquisition, and maximize value and capture opportunities for government; and
- i. To exercise all other necessary powers not otherwise inconsistent with the existing laws with the end in view of fast tracking the implementation of the Flagship project within the timeline provided by this Act.

SECTION 9. *Power of Eminent Domain.* All concerned government agencies shall coordinate and jointly work with the Flagship Program Manager for the immediate resolution of issues and bottlenecks in infrastructure. This shall include the exercise of the power of eminent domain for right-of-way acquisition necessary for infrastructure projects or public convenience.

SECTION 10. *Special Modes of Procurement for Flagship Projects.* The Flagship Project Manager is hereby authorized to adopt the following modes of procurement for goods, infrastructure, and consulting services for the construction, repair, rehabilitation, improvement or maintenance of projects aimed at the immediate implementation of said projects.

The Flagship Project Manager is authorized to engage in:

- 1. Direct Contracting which involves directly requesting a contractor, supplier or consultant, who meets the financial, technical and legal qualifications as set by the Procuring Entity, to submit a price quotation or a pro-forma invoice together with the contractual terms and conditions.

2. Repeat Order which involves a direct procurement of goods from a previous supplier whenever there is a need to replenish goods as needed and determined by the Procuring Entity.
3. Direct Negotiation of Contracts which involves directly negotiating with a project proponent who complies with all the pre-qualification requirements as set forth under R.A. No. 7718 otherwise known as the Build-Operate-Transfer Law.

SECTION 11. *Prohibition on the Issuance of Temporary Restraining Orders and Preliminary Injunctions.* In the implementation of this Act, no court, except the Supreme Court, may issue any temporary restraining order or preliminary injunction against the government or any of its subdivisions, official or any person or entity, whether public or private acting under the government direction, that would restrain the speedy implementation of the flagship projects.

SECTION 12. *Right to Information.* Upon perfection of each contract entered into by the Government pursuant to Section 10 hereof, the terms and conditions of the same, with the name and qualification of the contractor, together with the description, the budgetary estimates involved and other salient features, shall be published in a website created for this purpose.

SECTION 13. *Duration of Powers.* The authority granted to the Executive Branch under this Act shall subsist and be valid and effective for a period of three (3) years from the effectivity of this Act, unless sooner withdrawn by a joint resolution of Congress, without prejudice to rights and benefits that may have been vested and culpabilities and liabilities that may have been incurred under its provisions.

SECTION 14. *Oversight Committees.* There is hereby created an Oversight Committee in each House of Congress to be composed of five (5) members each to be respectively designated by the Senate President and the Speaker of the House of Representatives, which committees shall be tasked with monitoring the implementation of this Act and the exercise of the authority granted hereunder.

The Oversight Committees shall submit periodic reports, evaluations and recommendations to the Senate and the House of Representatives.

SECTION 15. *Report to Congress.* The Executive Branch shall submit a quarterly report to Congress on the implementation of this Act.

SECTION 16. *Private Legal Assistance and indemnification.* The Flagship Project Manager as well as his subordinates may engage the legal services of private lawyers whenever criminal or civil cases are filed against them in connection with the lawful functions of their duty and be indemnified of all the costs and expenses incurred in connection with the cases filed against them.

SECTION 17. *Transitory Provision.* As far as practicable, the provisions of this Act shall apply to all ongoing procurements under the Flagship Project which have already commenced.

SECTION 18. *Separability Clause.* In the event that any provision of this Act is declared unconstitutional, invalid, or illegal, the constitutionality, validity, or legality of the remainder of the provisions of this Act shall not be affected thereby.

SECTION 19. *Repealing Clause.* All laws, presidential decrees, letters of instructions, executive orders, rules, regulations, and other issuances or parts thereof which are contrary to or inconsistent with the provisions of -this Act are hereby revoked, repealed, amended or modified accordingly.

SECTION 20. *Effectivity.* This Act shall take effect fifteen (15) days following the completion of its publication in two (2) newspapers of general circulation.

Approved.