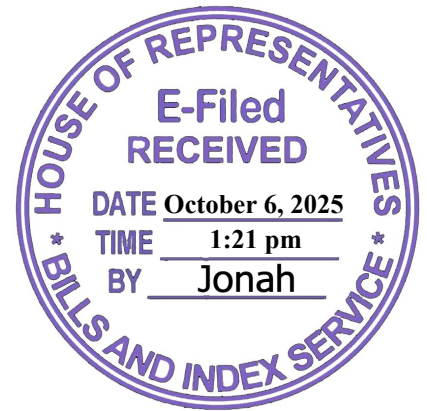




Republic of the Philippines
House of Representatives
Quezon City, Metro Manila

Twentieth Congress
First Regular Session

HOUSE BILL NO. 5160



Introduced by Representative Yedda Marie K. Romualdez

AN ACT
FURTHER PROMOTING THE ENTRY AND GROWTH OF STRATEGIC
INVESTMENTS IN THE COUNTRY, ESTABLISHING FOR THE
PURPOSE THE GREEN LANES FOR STRATEGIC INVESTMENTS

EXPLANATORY NOTE

Green lanes are a governmental strategy to significantly expedite and streamline processes for strategic investments, as demonstrated in the Philippines under Executive Order No. 18 s. 2023, also known as "An Order Constituting Green Lanes for Strategic Investments". Their relevance lies in attracting investments by reducing bureaucratic hurdles and unnecessary delays, thereby promoting business growth. In order to maintain a strong and growing economy, we must welcome more strategic investments that not only infuse foreign capital to the economy, but also facilitate the transfer of technology, creation of jobs, and promotion and growth of entrepreneurial activities of the country's small or medium domestic enterprises.

Thus, this bill seeks to institutionalize the processes and directives in said Executive Order No. 18, to further promote the Philippines as a top investment destination, and to encourage investors to engage in strategic investments by ensuring that the country's regulatory environment is conducive to business operations.

Through this bill, it is hoped that the benefits of economic growth are distributed widely, leading to a reduction in poverty and an improvement in living standards for all Filipinos.

I would like to acknowledge Representative Jose Manuel F. Alba, Representative of the First District of Bukidnon for filing the original bill during the 19th Congress.

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

A handwritten signature in black ink, appearing to be 'Yedda Marie K. Romualdez', written in a cursive style.

YEDDA MARIE K. ROMUALDEZ



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*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 "Green Lanes for Strategic Investments Act."

SEC. 2. *Declaration of Policy.* - It is the policy of the State to promote and facilitate certain strategic investments in the country, particularly those that are aligned with the Philippine Development Plan or any similar national development plan and can be characterized by significant capital or investment, consequential economic impact, positive impact on the environment, significant contribution to

the country's balance of payments, and improvement in the country's infrastructure capabilities. To achieve this, it is necessary to establish a One-Stop Action Center for Strategic Investments to streamline and expedite the issuance of permits, licenses, certifications, or authorizations.

SEC. 3. *Coverage.* - This Act covers all national government agencies (NGAs) and their regional and provincial offices, government-owned or -controlled corporations (GOCCs), and other government instrumentalities, as well as local government units (LGUs), involved in the issuance of permits, licenses, certifications or authorizations, collectively referred to herein as "permit/s and/or license/s" covering Strategic Investments specified under Section 4 hereof.

SEC. 4. *Strategic Investments.* - Strategic Investments are those which are aligned with the Philippine Development Plan or any similar national development plan; and can be characterized by the significant capital or investment to the country; consequential economic impact; positive impact on the environment; significant contribution to the country's balance of payments; with complex technical processes and engineering designs; and will bring about improvement in the country's infrastructure capabilities.

For purposes of this Act, Strategic Investments shall include the following:

- a. **Highly Desirable Projects** - Investment Projects recommended by the Fiscal Incentives Review Board to the President for modification of incentives or the crafting of the appropriate financial support package based on defined development strategies for creating high-value jobs,

building new industries to diversify economic activities, and attracting significant foreign and domestic capital or investment, and the fiscal requirements of the activity or project, as provided under Section 301 of Republic Act (RA) No. 11534 or the "Corporate Recovery and Tax Incentives for Enterprises (CREATE) Act."

- b. **Foreign Direct Investments** - Foreign Direct Investments are those resulting from the implementation of the Foreign Investment Promotion and Marketing Plan, as endorsed by the Inter-Agency Investment Promotion Coordination Committee.
- c. **Projects or activities under the Strategic Investment Priority Plan (SIPP)** - Local or foreign investments on activities considered projects of national significance or highly desirable, and which falls under the priority sectors or industries included in the SIPP formulated by the Department of Trade and Industry-Board of Investments (DTI-BOI) and approved by the President in accordance with Section 300 of RA 11534. These projects cover registrations under the DTI-BOI or other Investment Promotion Agencies.

SEC. 5. *Single Point of Entry.* - Within six (6) months from the effectivity of this Act, the DTI-BOI shall establish a One-Stop-Action-Center for Strategic Investments (OSAC-SI), which shall serve as the single point of entry for all projects qualified as Strategic Investments.

The OSAC-SI shall address investor concerns starting with identifying and designating an investment as Strategic Investment under this Act and endorse the same to concerned NGAs, LGUs, or quasi-judicial bodies for processing of permits and licenses, and monitoring and reporting of actions taken thereon. The OSAC-SI shall include aftercare or post-investment assistance as part of its services.

Within three (3) months from the issuance of this Act, the DTI-BOI shall produce and regularly update, an investor manual or guidebook or its equivalent, containing the list of government requirements for the establishment of Strategic Investments per sector, as well as the concerned NGAs, LGUs, or quasi-judicial bodies issuing the relevant permits and licenses.

The DTI-BOI will be supported by additional manpower, including the designation of Account Officers for Strategic Investments, as well as the equipment necessary to operationalize the OSACSI, in coordination with the Department of Budget and Management.

SEC. 6. *Green Lanes for Strategic Investments.* - The concerned NGAs, including their regional and provincial offices when applicable, LGUs, and quasi-judicial bodies shall establish or designate, whichever is applicable, a Green Lane within their offices in charge of expediting and streamlining the processes and requirements for the issuance of permits and licenses of Strategic Investments endorsed by the OSAC-SI. The said Green Lane shall be integrated and shall not be duplicative of the existing one-stop shops or one-stop action centers established under existing laws such as, RA 11534, RA 11234 or the "Energy Virtual One-Stop Shop Act," and RA11032.

For this purpose, the above agencies or offices shall designate an account officer for the Green Lane, who is responsible for coordinating with the OSAC-SI, relevant government offices or agencies in streamlining and simplifying business permitting and licensing processes, and recommending modifications or amendments to existing procedures that are outdated, redundant, and adds undue regulatory burden and cost to the transacting public, in coordination with the Anti-Red Tape Authority (ARTA).

SEC. 7. *Action on the Application.* - Concerned NGAs and LGUs shall act on the applications for the issuance of a permit or license within the prescribed processing time provided in the concerned agency or LGU's Citizen's Charter (original period), which shall not be longer than three (3) working days in the case of simple transactions, seven (7) working days in the case of complex transactions, and twenty (20) working days for highly technical transactions from the date the complete application was received. The said prescribed maximum processing period may be extended only once for the same number of days, provided the same is indicated in the Citizen's Charter (extension period), pursuant to Rule VII, Section 3(b) of the Implementing Rules and Regulations of RA 11032. In all cases, denial of such application shall be made in writing within the same period prescribed.

Consistent with Section 10 of RA 9485, as amended, the complete application for the issuance of a permit or license shall be deemed approved in case of failure of the NGA or LGU to act, whether to approve or disapprove, on said application. An application shall be considered "complete" when all the documentary requirements indicated in the respective Citizen's Charters are submitted and the required fees and

charges are duly paid. Imposition of additional requirements other than those listed in the Citizen's Charter and imposition of additional costs not reflected in the Citizen's Charter shall be punished in accordance with Sections 21 and 22 of RA 9485, as amended. However, with respect to applications for registration and tax incentives under RA 11534, the same shall not be deemed approved in case of failure of the NGA or LGU to act on said applications.

SEC. 8. *Issuance of Permits and Licenses.* - After the lapse of the original or extension period under Section 7 of this Act, the NGA or LGU shall issue the requested permit or license, otherwise, the DTI-BOI shall endorse the case to the ARTA. Upon receipt of the endorsement, together with the presentation of the acknowledgment receipt and/or official receipt of the payment of the necessary license or permit fees, and other transaction costs, and upon due investigation and verification that the applicant has indeed fully submitted all necessary documents and paid all the required fees, the ARTA shall issue a declaration of completeness and order the concerned office or agency to issue the appurtenant approval, extension, and/or renewal of the license, clearance, permit, certification, or authorization which is deemed approved pursuant to Section 10 of RA 9485, as amended.

The above mechanism shall likewise apply to issuance of a license or permit by quasi-judicial bodies consistent with Rule VIII Section 1 (b) of the Implementing Rules and Regulations of RA 9485, as amended.

SEC. 9. *Simultaneous Processing of Applications.* - The NGAs and LGUs that receive applications for permits and licenses shall process the same with the

presumption that the relevant documents from other agencies have already been issued consistent with Rule VII Section 3(c) of the Implementing Rules and Regulations of RA 9485, as amended. The applicant shall execute an affidavit of undertaking, using the template prescribed by the DTI-BOI, that it has secured the relevant documents from specific NGAs or LGUs and/or that it shall submit the complete documentary requirements within thirty (30) working days. For this purpose, the concerned NGAs or LGUs may coordinate with other relevant offices or agencies to check or verify the status of applications for related permits or licenses to avoid delay in their own evaluation of applications pending with them. The NGA or LGU concerned shall then issue the corresponding permits or licenses, with an annotation that it shall be subject to the completion of requirements covered by the undertaking.

SEC. 10. *Monitoring.* - Each concerned NGA, LGU, or quasi-judicial body shall submit to the DTI-BOI monthly updates regarding the status of applications received and acted upon involving Strategic Investments covered under this Act.

SEC. 11. *Electronic Submission.* - The concerned NGA or LGU shall enable the electronic submission of application for, and issuance of, license, clearance, permit, certification or authorization, including payment and issuance of receipts, whenever applicable.

All remaining cities and municipalities that have yet to comply with Section 1 I(c) of RA 9485, as amended, shall facilitate the computerization of their respective business permit and licensing systems. To this end, the Department of Information and Communications Technology (DICT) shall make available to LGUs the software

for the computerization of the business permit and licensing system. The DICT, DTI, and Department of the Interior and Local Government (DILG), shall provide technical assistance in the planning and implementation of a computerized or software-enabled business permitting and licensing system of LGUs.

SEC. 12. *Technical Working Group.* - A Technical Working Group (TWG) is hereby created as an oversight body that shall ensure the implementation of this Act. The TWG shall be headed by the DTI-BOI with the representatives from the following agencies as members: (i) DTI; (ii) DILG; (iii) Department of Finance (DOF); (iv) National Economic and Development Authority (NEDA); and (v) ARTA.

The TWG shall act on complaints and take appropriate actions, consistent with their respective mandates, against third-party business consultants engaged by foreign and local investors who act in violation of RA 9485, as amended, or prejudice the interest of the project proponents and/or the government.

The DTI OSAC-SI Account Officers and the action officers of NGAs, LGUs, GOCCs and other government instrumentalities, shall directly coordinate with each other to ensure the successful implementation of this Act.

SEC. 13. *Agency Support.* - All concerned NGAs, GOCCs and instrumentalities, and LGUs, are hereby directed to provide the necessary assistance and support for the successful implementation of this Act.

SEC. 14. *Reporting.* - The DTI-BOI shall submit regular reports on the implementation of this Act to both Houses of Congress.

SEC. 15. *Funding.* - The funds necessary to support the operation of the Green Lanes shall be sourced from the existing budget of the concerned agencies or offices. The funding requirements of succeeding years shall be included in their respective budgets, subject to the regular budget process.

SEC. 16. *Sanctions.* - Failure to comply with the provisions of this Act shall be a ground for administrative or disciplinary sanctions against any erring public official or employee, as provided under existing laws and regulations, without prejudice to criminal, civil or other related liabilities under existing laws.

SEC. 17. *Separability.* - If any provision of this Act is declared invalid or unconstitutional, the other provisions not affected thereby shall remain in full force and effect.

SEC. 18. *Repeal.* - All orders, issuances, rules and regulations or parts thereof that are contrary to, or inconsistent with, the provisions of this Act are hereby repealed, modified or amended accordingly. This Act is consistent with and shall not supplant the other streamlining initiatives of the government covered by existing laws and previously issued executive orders.

SEC. 19. *Effectivity.* - This Act shall take effect fifteen (15) days after publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,