

**EXECUTIVE ORDER NO. 672**

Thursday, 08 November 2007

EXECUTIVE ORDER NO. 672**DEFINING AND CLARIFYING THE RESPONSIBILITIES OF THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES (DENR) AND PHILIPPINE RECLAMATION AUTHORITY (PRA) IN THE APPROVAL AND IMPLEMENTATION OF RECLAMATION PROJECTS NATIONWIDE**

WHEREAS, under Presidential Decree No. 3-A of January 11, 1973, the reclamation of areas under water, whether foreshore or inland, shall be limited to the National Government or any person authorized by it under a proper contract, notwithstanding the provisions of any law to the contrary;

WHEREAS, on February 4, 1977, the Public Estates Authority (PEA) was created to reclaim land, including foreshore and submerged areas, by dredging, filling or other means, to acquire reclaimed land;

WHEREAS, on February 14, 1979, Executive Order No. 525 was issued directing the PEA to be primarily responsible for integrating, directing and coordinating all reclamation projects for and on behalf of the National Government; that all reclamation projects shall be approved by the President upon the recommendation of the PEA, and shall be undertaken by the PEA or through a proper contract executed by it with any person or entity; provided that reclamation projects of any National Government agency or entity authorized under its Charter shall be undertaken in consultation with the PEA upon approval of the President;

WHEREAS, the PEA has been renamed as the Philippine Reclamation Authority (PRA) by virtue of Executive Order No. 380-A dated April 3, 2006;

WHEREAS, the above-mentioned power of the President to approve all reclamation projects has been delegated to PRA (PEA) under Executive Order No. 543 dated June 24, 2006;

WHEREAS, pursuant to the above-mentioned mandate of PRA under existing laws and Executive Order No. 543, the PRA (PEA) issued on January 31, 2007, Administrative Order No. 2007-2 providing the rules and regulations in the approval and implementation of reclamation projects:

WHEREAS, pursuant to Title XIV, Sec. 2 of the 1987 Administrative Code, the Department of Environment and Natural Resources (DENR) shall, subject to law and higher authority, be in charge of carrying out the State's constitutional mandate to control and supervise the exploration, development, utilization and conservation of the country's natural resources;

WHEREAS, under Sec. 4, Chapter 1, Title XIV of the 1987 Administrative Code, one of the powers and functions of DENR is to exercise exclusive jurisdiction on the management and disposition of all lands of the public domain and serve as the sole agency responsible for classification, sub-classification, surveying and titling of lands in consultation with appropriate agencies;

WHEREAS, on July 31, 2007, the DENR issued DENR Administrative Order (AO) No. 2007-20 providing the Rules and Regulations Governing the Issuance of Permit Over Reclamation Projects and Special Patents Over Reclaimed Lands;

WHEREAS, the said DENR AO No. 2007-20 caused confusion among the applicants for the reclamation projects as it conveys the impression that the DENR is the regulatory agency for the reclamation projects since it requires the reclamation proponents to secure permit to reclaim from DENR which permit shall only be valid for a period on one (1) year;

WHEREAS, to eliminate any confusion and to avoid conflict between the PRA (PEA) and DENR and among the stakeholders and target clientele and to promote efficiency and effectiveness in the approval and implementation of reclamation projects under the concept of sustainable development, there is a need to delineate and define the roles and responsibilities of PRA (PEA) and DENR with respect to reclamation projects nationwide;

WHEREAS, the President of the Philippines, under the 1987 Administrative Code is the Chief Executive of the National Government vested with the power and authority to implement changes within the executive branch to realize any national goals and objectives, policies and regulations;

NOW, THEREFORE, I, GLORIA MACAPAGAL ARROYO, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby order as follows:

Section 1. In accordance with Presidential Decree No. 1084 (PD 1084) as amended by Executive Order

No. 525 (EO 525) dated February 14, 1979 and Executive Order No. 543 (EO 543) of June 24, 2006, it is hereby reiterated that the PRA (PEA) shall approve all reclamation projects on behalf of the President subject to compliance with existing laws and rules.

Section 2. Prior to approval of any reclamation project, the PRA (PEA) is hereby directed to coordinate and secure from DENR a permit authorizing/clearing a particular area to be the site of the proposed reclamation project, otherwise known as the area permit or site clearance.

Section 3. Prior to the implementation of the duly approved reclamation projects, the Environmental Compliance Certificate (ECC) shall be secured from DENR and that no reclamation works shall commence without the required ECC.

Section 4. The PRA shall closely monitor and supervise the implementation of the reclamation projects while the DENR shall monitor and enforce strict compliance with the terms and conditions of ECC for the reclamation project.

Section 5. Upon completion of the reclamation project, the PRA and DENR shall undertake the survey of the completed reclaimed land in accordance with DENR rules and regulations and thereafter upon request and/or clearance from PRA (PEA), the DENR shall endorse to the President of the Philippines, the issuance of proclamation declaring some portions of reclaimed land to be alienable or disposable and retaining some portions thereof for public use and public service.

Section 6. Immediately after issuance of the proclamation, the DENR and/or Land Registration Authority (LRA) shall issue Special Patent and subsequently Original Certificate of Title. The portions of reclaimed land to be devoted to public use and public service shall be titled in the name of the Republic of the Philippines while reclaimed land which has been proclaimed as alienable and disposable shall be issued title originally in the name of the PRA (PEA) which is hereby authorized to transfer titles for a consideration or otherwise, to qualified persons, natural or judicial, who may own reclaimed lands pursuant to the 1987 Constitution and subject to all existing laws, rules and regulations.

Section 7. All executive orders, rules and regulations and other issuances or parts thereof, which are inconsistent with this Executive Order, are hereby revoked, amended or modified accordingly.

Section 8. This Executive Order shall take effect immediately.

DONE in the City of Manila, this 19th day of October in the year of our Lord, Two Thousand and Seven.

(Sgd) GLORIA MACAPAGAL ARROYO

By the President:

(Sgd) EDUARDO R. ERMITA
Executive Secretary

Last Updated (Monday, 12 May 2008)

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