

[MINDANAO DEVELOPMENT AUTHORITY, June 30, 2011]

**RULES AND REGULATIONS TO IMPLEMENT REPUBLIC ACT 9996,
THE LAW CREATING THE MINDANAO DEVELOPMENT AUTHORITY
OTHERWISE KNOWN AS THE "MINDANAO DEVELOPMENT
AUTHORITY (MINDA) ACT OF 2010"**

Rule 1
General Provisions

Section 1. Title – These rules and regulations shall be known and cited as the "Rules and Regulations implementing the "Mindanao Development Authority Act of 2010."

Section 2. Purpose. – These Implementing Rules and Regulations, hereinafter referred to as the "IRR," are promulgated pursuant to Section 16 of RA 9996.

Section 3. Declaration of Policy. – **a)** It is hereby declared a policy of the State to accelerate the socio-economic growth of Mindanao, increasing its trade, tourism and investments, encouraging private enterprise and advancing efforts towards peace and development. Towards this end, effective institutional mechanisms shall be established to address the need for a coordinated and integrated approach in the formulation and implementation of various Mindanao-wide inter-regional development plans, programs and projects.

The State shall further undertake efforts to promote the active participation of Mindanao and Palawan in the Brunei-Darussalam-Indonesia-Malaysia-the Philippines-East Asia Growth Area (BIMP-EAGA).

b) As the agency mandated to coordinate, consolidate, integrate all socio-economic interventions in Mindanao particularly inter-regional and Mindanao-impact program and projects, it shall be the policy of MinDA to promote cultural unity among diverse cultural and religious sectors; ensure conflict sensitivity in its operations by promoting programs, activities and projects that are culturally peace-and-conflict-sensitive.

Section 4. Statement of Goals and Objectives. – To carry out the foregoing policy, the Authority shall pursue the attainment of the following goals and objectives that will uplift the quality of life of Mindanawons by increasing their access to basic social services, sustainable development and effective governance:

- 1.** To provide integrated peace and development framework that shall underscore the fundamental principles necessary to harness, consolidate,

and harmonize the peace and development activities in Mindanao.

2. To provide strategic direction for Mindanao for its accelerated and Integrated socio-economic growth and development.

3. To increase the level of participation by providing an effective institutional mechanism to strengthen the role of Mindanao in the national development.

4. To strengthen stakeholder participation in the peace and development process.

Rule 2 **Definition of Terms**

Section 1. Definitions of Terms – For purposes of these Rules, the following terms shall be understood to have the following meanings:

a) The Act – shall refer to or shall be understood to mean Republic Act 9996.

b) Authority – shall be understood to mean the Mindanao Development Authority or MinDA

c) BIMP-EAGA – the regional cooperation initiative launched on 24 March 1994 comprising the entire Sultanate of Brunei Darussalam, Province of Sulawesi, Kalimantan, Maluku and Irian Jaya in Indonesia, Sarawak and Federal Territory of Labuan in Malaysia, State of Sabah and Mindanao and Palawan in the Philippines.

d) Board – shall refer to the Board of Directors of the Authority.

e) Inter-regional programs and projects – refer to programs, projects and activities that are located in, and/or impact on two or more Mindanao regions.

f) Integrated Mindanao development framework – an economic blueprint focusing on the relationship of economic growth, poverty alleviation and peace and security for Mindanao

g) Comprehensive data-base – all relevant information about Mindanao collected by the Authority and consolidated and maintained as a knowledge-based system by the Office of Knowledge Management of MinDA

h) Mindanao-specific inter-regional projects – this term may be used interchangeably with inter-regional programs and projects.

i) Mindanao-wide programs and projects – refer to programs, projects and activities that are located in and/or impact on all six regions of Mindanao.

j) Mindanawons – Filipinos, regardless of culture, tribe or religious creed, living in Mindanao.

k) Official Development Assistance (ODA) – as defined in the ODA Act of 1996, is a loan or a grant administered with the objective of promoting sustainable social and economic development and welfare of Mindanao. It includes grants and loans at concessional rates from official donors, both bilateral (individual country) and multilateral such as the World Bank and the Asian Development Bank.

l) Regional Development Council (RDC) – the highest policy-making body in the region as mentioned in Sec. 14, Art. X of the 1987 Constitution and provided for in Letter of Instruction No. 22 of 1972, and Executive Order No. 325 (s.1996).

m) Regional Economic Development Planning Board (REDPB) – the planning agency of the Autonomous Region in Muslim Mindanao, chaired by the ARMM governor, as defined in Sec. 10, Art. XII of RA 9054.

n) Region-specific programs, activities and projects with Mindanao-wide impact – refers to programs, projects and activities in Mindanao that are located in one region but may impact on two or more regions.

Rule 3

The Mindanao Development Authority (MinDA)

Section 1. Creation of MinDA – The Mindanao Development Authority, hereinafter referred to as the 'Authority,' is hereby created which shall promote, coordinate and facilitate the active and extensive participation of all sectors to effect the socio-economic development of Mindanao.

Section 2. Coverage – The Authority shall cover all the provinces and cities of Regions IX, X, XI, XII, Caraga and the Autonomous Region in Muslim Mindanao (ARMM); *Provided*, That the Province of Palawan shall be included in its coverage only as it pertains to its involvement in the BIMP-EAGA.

Section 3. Principal Office and Term – The Authority shall have its main office in Maramag, Bukidnon. It may establish area management offices (AMOs), if necessary, to achieve the objectives of this Act. The Authority shall also have a term of fifty (50) years from the effectivity of this Act and renewable for the same period unless otherwise provided by law.

The AMOs shall serve as the Authority's direct link to various sectors and

stakeholders in the area and to ensure stronger coordination with the local government units. The AMOs shall also be the Authority's facility for feedback, monitoring and timely response mechanism on issues and concerns on the ground that needs to be reported and addressed by the Authority or by other higher authorities such as the President.

Section 4. Powers and Functions – The Authority shall exercise planning, monitoring, coordinating and similar functions which are Mindanao-wide and/or Mindanao-specific in character, and shall have the following powers and functions subject to applicable laws, rules and regulations:

(a) formulate an integrated development framework for Mindanao that is consistent with the peace and development initiatives of the national government, as far as practicable;

(b) integrate, prioritize, program and implement, whenever allowed and authorized by applicable laws, Mindanao-wide, inter-regional and region-specific programs, activities and projects with Mindanao-wide impact, including Official Development Assistance (ODA) projects, those that are cross-sectoral and/or do not have clear mandated implementing agencies, subject to such limitations prescribed by existing laws, rules and regulations;

(c) Recommend to and, whenever necessary, call upon the proper agencies on the technical support, physical assistance and generally, the level of priority to be accorded to agricultural, industrial commercial and infrastructure, environmental and technological programs and projects soliciting or requiring direct or indirect help from or through the national government or any of its instrumentalities;

(d) Advocate to the constituents of Mindanao, their elected representatives in Congress and the national government, national policies that will foster the integrated and balanced development of Mindanao;

(e) Promote and facilitate investments in any field that would enhance the socio-economic development of Mindanao and uplift the living standards of the people and their socio-political activities in close coordination with agencies primarily mandated to undertake such functions;

(f) Explore sources for financing priority Mindanao-wide and/or Mindanao-specific inter-regional programs and projects;

(g) Coordinate and facilitate the extension of necessary planning, management and technical assistance to prospective and existing investors, complementary and in support of agencies primarily mandated to execute such functions;

(h) Establish a comprehensive and integrated database on Mindanao and the BIMP-EAGA needed for planning and decision-making;

(i) Monitor, evaluate and formulate recommendations in the implementation of Mindanao-wide and/or Mindanao specific inter-regional development programs, activities, and projects, including ODA projects involving at least two regions; integrate and analyze accomplishment reports of Mindanao-wide and/or Mindanao specific inter-regional development programs, activities, and projects to generate a consolidated Mindanao status of development report ensuring participation and contribution of all Mindanao stakeholders in the process;

(j) On the basis of stakeholders-informed analysis of Mindanao development situation and prospects, provide strategic direction for Mindanao;

(k) Establish appropriate mechanisms to ensure the timely implementation of Mindanao-wide and/or Mindanao-specific inter-regional 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 Mindanao-wide and Mindanao-specific inter-regional programs, projects and plans by the national government and donor agencies subject to existing laws, rules and regulations;

(m) In conjunction with Rule 6 of this IRR, act as the official and permanent Philippine Coordinating Office for BIMP-EAGA (PCOBE) and as lead agency of the government in coordinating the formulation and implementation of policies and programs including the monitoring of all activities related thereto including, but not limited to, the following:

a. Coordinate with relevant stakeholders in all policy deliberations concerning BIMP-EAGA;

b. Initiate and coordinate the establishment of the BIMP-EAGA desks in concerned national agencies, local government units and private enterprises;

c. Advocate for the adoption/approval of policies, initiatives and strategies that will enhance the country's participation in the BIMP-EAGA;

d. Initiate and facilitate sourcing of technical and other forms of assistance to BIMP-EAGA projects/initiatives and ensure efficient and effective support services for the Philippines' BIMP-EAGA operations and coordinate budgetary requirements for this purpose;

e. Monitor developments in the BIMP-EAGA and follow-through agreements entered into by the Philippine parties;