

**[PHILIPPINE RECLAMATION AUTHORITY (PRA)
(PUBLIC ESTATES AUTHORITY OR PEA)
ADMINISTRATIVE ORDER NO. 2005-1, February
10, 2005]**

**RULES AND PROCEDURES FOR SPECIAL REGISTRATION OF
UNAUTHORIZED/ILLEGAL RECLAMATION PROJECTS**

Pursuant to Presidential Decree No. 3-A, (Section 1), dated January 11, 1973 and Executive Order No. 525, (Section 1), dated February 14, 1979 in relation to PRA's powers and functions under Presidential Decree No. 1084 (Section 5 (p)) and Executive Order No. 525 (Section 2 (b)) as well as Executive Order No. 380 dated October 26, 2004, which among others, transformed the Public Estates Authority (PEA) into the Philippine Reclamation Authority (PRA), the following Rules and Procedures for Special Registration of Unauthorized / Illegal Reclamation Projects are hereby promulgated.

SECTION 1. Rationale

It is the policy of the Government to efficiently regulate and manage, where appropriate, reclamation projects throughout the country to prevent any adverse impact on the environment, to integrate the newly reclaimed lands into existing land uses and to rationalize the land values thereof. The proliferation of unauthorized or illegal reclamation projects in the country has grown into an alarming magnitude that the PRA, in the exercise of its authority as the regulatory agency of the government for reclamation, has to ensure that they are undertaken on a well-coordinated basis, equitably applied and to the clear advantage of the government.

SECTION 2. Coverage

The special registration of unauthorized / illegal reclamation projects shall cover all completed or incomplete reclamation projects throughout the country with or without title/s, which were or are being undertaken by private parties and government agencies / entities, which are not authorized to reclaim under existing laws, without the required permit from the PRA (or PEA) and approval by the President of the Philippines. Reclamation projects to be undertaken after effectivity of these rules without the required permit of the PRA and approval of the President of the Philippines shall be dealt with according to the penal provisions hereof.

SECTION 3. Definition of Unauthorized or Illegal Reclamation

Unauthorized or illegal reclamation shall mean those reclamation projects which had been undertaken and completed or are being undertaken and / or completed without the required permit from the PRA (or PEA) and approval by the President of the Philippines.

SECTION 4. Period of Special Registration

The Special Registration provided for herein shall be for a limited period of six (6) months from the effective date as defined under Section 9 hereof.

SECTION 5. Guidelines

(1) The illegally reclaimed area shall be forfeited in favor of the PRA for and in behalf of the National Government by securing the title thereto in the name of the Republic of the Philippines (RP) or PRA subject to reimbursement by the RP / PEA of the actual costs incurred in undertaking the reclamation.

(2) At the option of the PRA and subject to the legal qualifications of the parties concerned, the reimbursement may be (a) in the form of reclaimed land; (b) from the proceeds of the sale of the reclaimed land; or (c) lease of the reclaimed land over an equivalent time.

(3) In case of reimbursement in the form of reclaimed land,

(a) Only applicants qualified under the Constitution and existing laws may avail of this form of reimbursement.

(b) The applicant / reclaimer (i.e., party responsible in undertaking the reclamation) shall submit to PRA, for validation, the actual expenses incurred together with all the supporting documents thereof.

(c) The actual costs validated and agreed to by PRA shall be the amount to be reimbursed with equivalent reclaimed land. The value of reclaimed land, for purposes of computing the area, shall be based on the current appraisal value of the illegally reclaimed land, to be determined by an independent appraiser/s to be hired by PRA for the said purpose.

(d) The remaining areas of the illegally reclaimed land shall be retained by RP/ PRA as its own, which in no case shall be less than thirty percent (30%) of the total area of the reclaimed land.

(4) In case of reimbursement by means of the proceeds from the sale of illegally reclaimed lands,

(a) The sale shall be done by PRA through public bidding and subject to constitutional limitations and accounting and auditing rules and regulations.

(b) The base selling price of the land shall be its appraisal value at the time of the bidding.

(c) The appraisal values shall be determined by independent appraisers to be hired by PRA for the purpose.

(d) The applicant / reclaimer of the reclaimed land being sold if qualified under the Constitution and other existing laws may participate in the bidding.

(e) The applicant / reclaimer shall be reimbursed of the actual costs incurred from the proceeds of the sale. No such reimbursement shall exceed the sales proceeds and in all cases, the PRA shall retain the sales proceeds equal to not less than thirty percent (30%) of the current appraisal value of the land subject of sale.

(5) In case of reimbursement through lease of reclaimed land over a period of time, the applicant/reclaimer, if qualified under the Constitution and existing laws, shall be given preference to use the reclaimed land subject to payment of lease rentals which shall be applied against the amount of reimbursement.

(6) In all the foregoing cases, the applicant/reclaimer shall pay a penalty fee of five percent (5%) of the reclamation costs plus VAT.

(7) These guidelines shall be without prejudice to those persons whose rights have been violated due to the illegal reclamation and for which those parties responsible for the illegal reclamation shall be held accountable and liable for any claims or damages arising therefrom.

SECTION 6. Procedures (Flowchart - Annex 1)*

(1) The owner/ reclaimer/ developer shall register with PRA each reclamation project with either complete or incomplete reclamation, which have been undertaken without the required permit from PRA and approval of the project by the President of the Philippines.

(2) Upon filing of the application for registration, the applicant shall pay the following fees:

Filing Fee - P500 per hectare but not less than P20,000 plus VAT to be paid upon filing of the application.

Processing Fee - P1,000 per hectare but not less than P100,000 plus VAT

(3) The application for registration shall be accompanied by the following:

- (a) historical facts about the reclamation;
- (b) project description or feasibility study, as applicable;
- (c) as-built plans and actual cost of the reclamation;
- (d) site development or master development plan / land use plan;
- (e) Clearance/s or Permits, if any, from any government agency like DENR for Environmental Compliance Certificate (ECC), and others;
- (f) Preliminary Survey Plan and Final Survey Plan and Returns after undertaking joint verification survey with PRA and DENR;
- (g) Other documents which may be required in the process of PRA's evaluation.

(4) Submission of all documents and / or compliance with all requirements must be done by the applicant/s within a maximum period of ninety (90) calendar days from date of receipt of notice from the PRA; otherwise, the reclamation project shall be disqualified from availing of this special registration and shall be subject to Section 7 hereof. If justified, the period of submission / compliance may be extended as may be determined by PRA.

(5) PRA undertakes review / evaluation and conducts joint verification survey with the DENR and applicant.