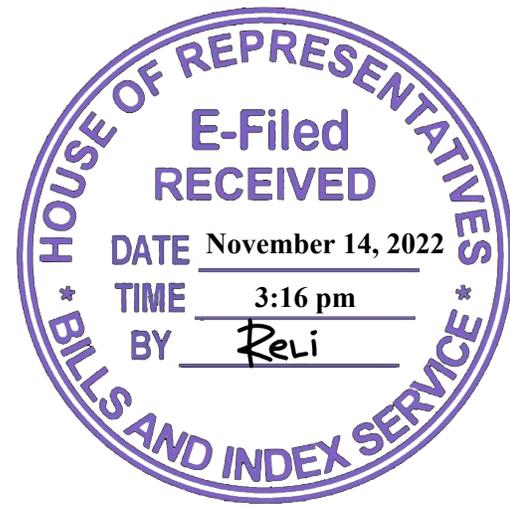


Republic of the Philippines  
**HOUSE OF REPRESENTATIVE**  
Constitution Hills, Quezon City  
**NINETEENTH CONGRESS**  
**First Regular Session**

House Bill No. **6122**



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Introduced by: REPRESENTATIVE EDWIN L. OLIVAREZ

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**AN ACT CREATING THE MANILA BAY DEVELOPMENT AUTHORITY,  
PRESCRIBING ITS POWERS, FUNCTIONS, AND DUTIES, PROVIDING  
FUNDS THEREFOR, AND FOR OTHER PURPOSES.**

**EXPLANATORY NOTE**

Throughout history, the Manila Bay has been the country's epicenter of commercial, industrial, shipping, fishing, aquaculture, and tourism activities. Famous for its scenic view and being one of the world's great harbors, the Manila Bay is a natural heritage and a witness to the country's historical events that shaped our culture. The Bay which encompasses a surface area of 1870 km<sup>2</sup> and a coastline of 190 kilometers which spans across Regions III, IV-A, and the National Capital Region (NCR), is a vital national asset, a prominent source of food, livelihood, employment, and leisure to a huge number of Filipinos.

The Manila Bay is also home to the Las Piñas Parañaque Wetland Park (LPPWP), formerly known as the Las Piñas Parañaque Critical Habitat and Ecotourism Area (LPPCHEA), the first critical habitat established in the country through President Proclamation No. 1412, issued on 22 April 2007, which existing mangrove, mudflats, and ecosystems were ensured to be protected by the State.

Forlornly, with the development in and around the Manila Bay throughout time, over-population, pollution from both land and sea sources, illegal, destructive, and over fishing, among others, threatened the sustainability of the bay and its diverse ecosystem.

With the issuance of the Supreme Court in the case of *Metro Manila Development Authority, et al. vs. Concerned Residents of Manila Bay, et al.* (G.R.

*Nos. 171947-48, 18 December 2008 and 15 February 2011*), of a Writ of Continuing Mandamus directing concerned government agencies and private entities to clean up, rehabilitate, preserve, restore, and maintain the waters of the Manila Bay to a level that is fit for swimming, skin-diving, and other forms of contact recreation, as well as to fully implement the Operational Plan for the Manila Bay Coastal Strategy (OPMBCS) pursuant to Section 19(c) of Republic Act No. 9275, steps were made by respective agencies and stakeholders.

To maintain such valiant efforts of these agencies and the private sector in the clean-up, rehabilitation, and conservation of the Manila Bay, there is a need for a law creating Manila Bay Development Authority which function is to promote and accelerate the sustainable development of Manila Bay while focusing on the maintenance of ecological balance and the protection and enhancement of its natural resources.

A handwritten signature in black ink, appearing to read 'Edwin L. Olivarez', with a stylized flourish at the end.

**EDWIN L. OLIVAREZ**

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PRESCRIBING ITS POWERS, FUNCTIONS, AND DUTIES, PROVIDING  
FUNDS THEREFOR, AND FOR OTHER PURPOSES.**

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

**CHAPTER I**

**DECLARATION OF POLICY AND CREATION OF AUTHORITY**

SECTION 1. *Short Title.* - This Act shall be known as the “Manila Bay Development Authority Act.”

SEC. 2. *Declaration of Policy.* - It is hereby declared to be the policy of the State to treat the Manila Bay Region as a special development and administrative region to promote and accelerate the sustainable development of Manila Bay while focusing on the maintenance of ecological balance and the protection and enhancement of its natural resources.

Towards this end, the State shall formulate and implement policies, plans, programs, and projects to ensure adequate provision for environmental management and control, the preservation of the quality of ecological systems, and the prevention of undue ecological disturbances, degradation, and pollution, with utmost regard and apposite provisions for the conservation, rehabilitation, preservation, restoration, and maintenance of the waters of the Manila Bay, consistent with the plans and

programs embodied in Republic Act No. 9275 (“Philippine Clean Water Act of 2004”), Republic Act No. 9003 or the “Ecological Solid Waste Management Act of 2000”, and other pertinent laws, and the *Writ of Continuing Mandamus* issued by the Supreme Court.

The State shall likewise ensure efficient, effective, orderly, and environmentally sound means of utilizing the wealth and natural resources of Manila Bay, encourage and promote the involvement of all sectors of society, and maximize people participation in natural resource management, conservation, and protection.

**SEC. 3. *Creation of Manila Bay Development Authority.*** - There is hereby created a government-owned and controlled corporation to be known as the Manila Bay Development Authority, hereinafter known as the “Authority”, to manage, develop, operate, preserve, and rehabilitate in accordance with the provisions of this Act the Manila Bay Development Zone, hereinafter referred to as the “Development Zone”.

The Authority shall exist for fifty (50) years counted from the effectivity of this Act.

The metes and bounds of the Development Zone shall include the entirety of Manila Bay encompassing the bay surface area of 1,870 kilometer square and coastline of 190 kilometers which spans across Regions III, IV-A, and the National Capital Region (NCR). The Development Zone may be extended by the President of the Philippines through an Executive Order.

The Development Zone shall be transformed into a self-sustaining commercial, financial, industrial, leisure, tourism, and investment center to generate employment opportunities and attract and promote local and foreign investments, while prioritizing the protection, preservation, and rehabilitation of the natural resources and biodiversity of Manila Bay: *Provided*, That the exercise of the Authority’s powers and functions shall in no way diminish the autonomy of the local government units (LGUs) concerning purely local matters within the framework and subject to the mandate and limitations of the Constitution and the pertinent provisions of the Local Government Code of 1991.

**SEC. 4. *Location of Principal Office.*** - The Authority shall maintain its principal office at a convenient place within the region, but it may have branch offices in such other places as are necessary for the proper conduct of its business.

SEC. 5. *Corporate Powers of the Authority.* - The Authority shall exercise the following powers and functions:

- a) To succeed on its corporate name;
- b) To sue and be sued in its corporate name;
- c) To adopt, alter, and use a corporate seal;
- d) To adopt, amend, and repeal its by-laws;
- e) To enter into contracts of any kind and description, to enable it to perform its purposes and functions under this Act;
- f) To acquire, buy, purchase, hold or lease, such personal and real property as it deems necessary or convenient in the transaction of its business and/or in relation with carrying out its purposes under this Act; and to lease, mortgage, sell, alienate, or otherwise encumber, utilize, exploit or dispose any such personal and real property held by it, subject to prior or existing individual or communal right of private parties or of the government or any agency or enterprise thereof.
- g) To exercise the right of eminent domain whenever the Authority deems it necessary for the attainment of its objectives under this Act;
- h) To borrow funds from any local or foreign financial institutions independent of the bonds it may issue or may continue to issue, to carry out the purposes of this Authority under this Act;
- i) To purchase, hold, alienate, mortgage, pledge or otherwise dispose of the shares of the capital stock of, or any bond, securities, or other evidence of indebtedness created by any other corporation, co-partnership, or government agencies or instrumentalities; to exercise all the rights or ownership, including the right to vote thereon; *Provided*, That the Authority shall not invest its funds in any high risk debt instruments issued without recourse to commercial banks or investment houses, as well as in any highly speculative stocks;
- j) To perform any and all acts which a corporation, co-partnership, or natural person is authorized to perform under the law;
- k) To issue such rules and regulations as may be necessary to effectively carry out the powers and purposes herein provided including the plans, programs and projects of the Authority;
- l) To make a comprehensive survey of the physical and natural resources of the Development Zone, its social and economic conditions, hydrologic characteristics, power potentials, scenic and tourist spots, regional problems, and on the basis thereof, to draft a comprehensive and detailed plan designed to conserve and utilize optimally the resources within the Development Zone, and to implement the same including projects in line with said plan;

- m) To coordinate with the appropriate government agencies and the local government units (LGUs) concerned in the enforcement of its policies, rules, and regulations to ensure that plans, programs, and projects of all stakeholders are aligned with the developmental, management, and protection plans of the Authority;
- n) To regulate the maintenance of facilities, infrastructures, construction, and other services in the Development Zone, and fix reasonable rates and charges;
- o) To regulate in coordination with the concerned government agencies, the establishment, operation, and maintenance of public utilities, waste management systems, services, and infrastructure in the Development Zone such as shipping, barging, stevedoring, cargo handling, hauling, warehousing, storage of cargo, port services or concessions, piers, wharves, bulkheads, bulk terminals, mooring areas, storage areas, roads, bridges, terminals, conveyors, water supply and storage, sewerage, drainage, economic aspect of air transportation, electricity and power supply, telecommunications facilities, and such other services or concessions or infrastructure, necessary or incidental to the accomplishment of the objectives of this Act;
- p) Identify and endorse the licensing of tourism projects: leisure, amusement, recreational, entertainment, eco-farm tourism and learning sites, medical tourism, and sports related activities, subject to priorities and standards set by law as implemented by concerned government agencies: *Provided*, That gaming facilities shall continue to be licensed by the Philippine Amusement and Gaming Corporation (PAGCOR) upon recommendation of the Authority: *Provided, furthermore*, That accreditation of eco-farm tourism and learning sites shall continue to be under the authority of the Department of Agriculture (DA) upon recommendation of the Authority: *Provided, finally*, That the designation and certification of hospitals and clinics for medical tourism purposes shall continue to be exercised by the DOH upon written endorsement of the Authority;
- q) Perform such other powers as may be necessary under existing laws to carry out the purposes of this Act.

SEC. 6. *Board of Directors.* - The powers of the Authority shall be vested in and exercised by a Board of Directors, hereinafter referred to as the Board, which shall be composed of seventeen (19) members, as follows:

1. Chairperson of the Board to be appointed by the President of the Philippines;
2. Administrator and Chief Executive Officer of the Authority, as ex officio Vice Chairperson;

3. Secretary of the DENR as ex officio member;
4. Secretary of the DOT as ex officio member;
5. Secretary of the DTI as ex officio member;
6. Secretary of the DILG as ex officio member;
7. Administrator of PRA as ex officio member;
8. Governor of the Province of Bataan as ex officio member;
9. Governor of the Province of Bulacan as ex officio member;
10. Governor of the Province of Cavite as ex officio member;
11. Governor of the Province of Pampanga as ex officio member;
12. Mayor of the City of Las Piñas, as ex officio member;
13. Mayor of the City of Manila, as ex officio member;
14. Mayor of the City of Navotas, as ex officio member;
15. Mayor of the City of Parañaque, as ex officio member;
16. Mayor of the City of Pasay, as ex officio member; and
17. Three (3) representatives from the business sector.

The ex officio board members of the Authority may designate their respective alternates whose acts shall be considered the acts of their principals: *Provided*, that these alternates shall either be an Undersecretary of a cabinet secretary or a department head of the LGUs.

A member of the Board shall be a Filipino citizen, of good moral character, and of recognized competence in relevant fields including business, economics, environment, tourism, engineering, or law. Appointees to the Board shall observe and undergo the process of appointment in accordance with Chapter IV of Republic Act No. 10149 or the GOCC Governance Act of 2011.

*SEC. 7. Functions of the Board.* – The Board shall have the following powers and functions:

(a) Determine the organizational structure of the Authority and define the duties and responsibilities of all officials and employees in accordance with civil service laws, rules and regulations and evaluation and approval of the Department of Budget and Management (DBM);

(b) Create such divisions and positions as may be deemed necessary for the economical, efficient, and effective conduct of the activities of the Authority;

(c) Appoint all officials *Provided*, That all appointments shall be on the basis of merit and fitness and all personnel action shall be in accordance with Civil Service laws, rules and regulations;

(d) Prepare the annual budget of the Authority, and a supplemental budget when necessary; and

(e) Submit to the President of the Philippines, the Senate, and the House of Representatives of the Philippines an annual report and such other reports as may be required.

SEC. 8. *Board Meetings.* - The Board shall meet at least once every three (3) months, and its meetings shall be called by the Chairperson or upon written request signed by majority of the members. The Chairperson and the members of the Board, except ex officio members, shall be entitled to allowances and per diem in accordance with existing policies, rules and regulations.

SEC. 9. *Administrator of the Development Zone.* - The President of the Philippines shall appoint an Administrator for the Authority who shall also act as the Chief Executive Officer of the Development Zone. The Administrator shall have a term of office in accordance with Section 17 of Republic Act No. 10149 or the GOCC Governance Act of 2011.

In case the Administrator is removed for cause, any one appointed to the position shall serve only the unexpired portion of term of the Administrator. The Administrator shall be responsible to the Board and the President of the Philippines for the efficient administration and management of the Development Zone.

SEC. 10. *Qualifications of the Administrator.* - No person shall be appointed as Administrator unless one is a natural-born Filipino citizen, a resident of the Development Zone for at least ten (10) years, of good moral character and unquestionable integrity, has not participated in the preceding local elections for government office, with relevant ten (10) years of experience, and of recognized competence in the areas of business administration, economics, hotel and restaurant management, tourism promotions, tourism management, investment promotions, real estate development, real estate management, or law.

The Administrator and all officials and employees of the Authority shall be entitled to compensation and benefits in accordance with the Salary Standardization Law.

SEC. 11. *Powers and Functions of the Administrator.* - The Administrator shall have the following powers and duties:

- (a) Submit to the Board the policies and measures deemed necessary to carry out the purposes and provisions of this Act;
- (b) Execute and administer the policies, plans, programs, and projects approved by the Board;
- (c) Direct and supervise the operation and internal administration of the Authority and delegate certain administrative responsibilities to other officers, subject to the rules and regulations of the Board;
- (d) Develop and submit its organizational structure and staffing pattern, as approved by the Board, to the Civil Service Commission (CSC) and the Department of Budget Management (DBM) for consideration and approval;
- (e) Appoint officials and employees below the rank of division heads to positions in the approved organizational chart; and
- (f) Exercise such other powers and duties as may be vested by the Board from time to time.

SEC. 12. *Supervision, Capitalization, and Operating Start-up Capital.* - The Authority shall be under the direct control and supervision of the Office of the President of the Philippines for purposes of policy direction and coordination and shall execute the powers and functions herein vested and conferred upon, in such manner as will, in its judgement, aid to the fullest possible extent the fulfillment of the goals and purposes set forth in this Act.

It shall have an authorized capital of One Billion Pesos (P1,000,000,000.00) representing no par shares with a minimum issue value of Ten pesos (10.00) each.

The initial amount necessary to subscribe and pay for the shares of stock shall be included in the Annual General Appropriations Act of the year following its enactment into law and thereafter.

The Board may, from time to time, and with the written concurrence of the Secretary of Finance, increase the value of the shares representing the capital stock of the Authority. The National Government shall own one hundred per centum (100%) of the total shares issued and outstanding capital stock of the Authority.

SEC. 13. *Relationship with the Local Government Units.* –

(a) Notwithstanding the provisions of existing laws, rules, and regulations to the contrary, the Authority shall exercise administrative and rulemaking powers and shall be authorized to disburse funds, and to require the accreditation of enterprises to ensure compliance with the developmental, management, and protection plans in the Development Zone;

(b) In no case shall any provision of this Act result in the diminution of local taxing authority, which shall be limited to real property taxation, to which only reasonable rates, charges, and fees shall be imposed; and

(c) Basic social services to the general community, such as health and medical services, family planning, child care, school services, education, and disaster recovery services shall be under the authority of the LGUs concerned and to the extent that it can, shall be supported by the Authority.

**SEC. 14. *Penal and Civil Liability.*** - Any person, natural or juridical, shall be liable for imprisonment not exceeding five (5) years or a fine not exceeding One hundred thousand pesos (P100,000.00) or both at the discretion of the court for:

- a. Obstructing or impeding the execution of demolition orders;
- b. Disobeying cease and desist, closure, or suspension orders;
- c. Operating business establishments without the necessary permits and licenses from the Authority and other concerned government offices;
- d. Violating the conditions stipulated in the clearances or permits issued by the Authority; and
- e. Violating any of the provisions of this Act or any rules or regulations promulgated by the Authority.

If the violator is found to be a corporation, partnership, or association, the officer or officers of the organization concerned shall be liable thereof.

The Authority may file criminal charges and pursue separate civil actions for damages resulting from infractions of the provisions of this Act and rules and regulations issued pursuant thereto.

**SEC. 15. *Implementing Rules and Regulations.*** - Within ninety (90) days after the passage of this Act, the Board shall, after consultation with the stakeholders of the Authority and concerned government agencies promulgate the rules and regulations for the effective implementation of this Act.

**SEC. 16. *Separability Clause.*** - If any provision of this Act is declared invalid or unconstitutional, the other provisions not affected thereby shall remain valid and subsisting.

**SEC. 17. *Repealing Clause.*** - All laws, executive orders, memorandum circulars, guidelines, and other issuances or parts thereof, which are inconsistent with this Act, are hereby repealed or modified accordingly.

SEC. 18. *Effectivity.* - This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in newspaper of general circulation.

*Approved,*