

NINETEENTH CONGRESS OF THE )
REPUBLIC OF THE PHILIPPINES )
First Regular Session )

22 NOV 29 P6:28

RECEIVED BY:

SENATE

S.B. No. 1575

Introduced by **SENATOR IMEE R. MARCOS** 

AN ACT ESTABLISHING THE SPECIAL ECONOMIC ZONE AND FREEPORT IN THE PROVINCE OF ILOCOS NORTE, CREATING FOR THIS PURPOSE THE ILOCOS NORTE SPECIAL ECONOMIC ZONE AND FREEPORT AUTHORITY, AND APPROPRIATING FUNDS THEREFOR

#### **EXPLANATORY NOTE**

Section 20, Article II of the 1987 Constitution states that, "The State recognizes the indispensable role of the private sector, encourages private enterprise, and provides incentives to needed investments." The State needs to significantly improve and develop tourism and economic activities in the country to hasten the recovery from the lingering effects of the COVID-19 pandemic.

The Special Economic Zones (SEZs) have been used as an effective mechanism in addressing the challenges of globalization. Countries like China, Singapore, Malaysia and South Korea have been very active in implementing SEZs as a means of attracting foreign investments, jobs opportunities, and the generation of exports. Moreover, SEZs have opened employment to more than 2,000,000 Filipinos and a total investments amounting to billions of pesos.

The Organization for Economic Cooperation and Development (OECD) estimates that some countries will channel over 70% of their exports through SEZs, which function mostly as separate customs territories. According to the Hamburg Port Consulting (HPC), SEZs are vital to the development of international trade due to their capabilities to boost export volumes. Consequently, they represent an important element in the recovery of the economy after the pandemic.

Ilocos Norte also known as the "Gateway to the North" is in close proximity to the major economic hubs in Asia such as China, Hong Kong and Taiwan, which makes the creation of a Special Economic Zone ideal. Most of the province's revenue comes from agriculture and, in recent years, tourism. The ecozone will definitely provide economic stability not just to the Province of Ilocos Norte but also to its neighboring provinces.

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To keep pace with global competition, this bill seeks to establish a Special Economic Zone and Freeport in the Province of Ilocos Norte to further reduce poverty by promoting and accelerating sound and sustainable industrial, economic and social growth.

This measure was filed by Rep. Imelda R. Marcos during the 17th Congress and was approved on Third and Final Reading during the 17th Congress. During the 18th Congress, this bill was filed and sponsored by Senator Imee R. Marcos, as the Chairperson of the Senate Economic Affairs Committee, taking into consideration the new laws.

In light of this, the approval of this bill is earnestly sought.

**IMEE R. MARCOS** 

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

### **CHAPTER I GENERAL PROVISIONS**

SECTION 1. Short Title. - This Act shall be known as the "Ilocos Norte Special Economic Zone and Freeport Act".

SEC. 2. Declaration of Policy. - It is declared the policy of the State to encourage, promote, and accelerate the sound and balanced industrial, economic, and social development of the country. The establishment of special economic zones shall attract legitimate and productive foreign investments in strategic locations in the country. It shall generate employment and increase productivity and individual, as well as family incomes, thereby enhancing the quality of life of the Filipino people.

### **CHAPTER II CREATION OF ECONOMIC ZONE**

SEC. 3. Creation of the Ilocos Norte Special Economic Zone and Freeport. - In accordance with the foregoing declared policy and subject to the concurrence of the concerned local government units (LGUs) of Ilocos Norte affected by the zone, there is hereby established a Special Economic Zone and Freeport, hereinafter referred to as the Ilocos Norte Ecozone. The Ilocos Norte Ecozone shall cover particular areas located in the Municipalities of Badoc, Currimao, Paoay, and Laoag City. The specific metes and bounds of the Ilocos Norte Ecozone shall be more particularly defined in a presidential proclamation that shall be issued for this purpose:

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21 22 23 *Provided,* That the lands embraced therein shall be public lands and contiguous to one another.

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**SEC. 4.** Creation of the Ilocos Norte Special Economic Zone and Freeport Authority. – There is hereby created a body corporate to be known as the "Ilocos Norte Special Economic Zone Authority" hereinafter referred to as the INSEZA, which shall manage and operate the Ilocos Norte Ecozone, in accordance with the provisions of this Act. This corporate franchise shall expire in fifty (50) years and counted from the first year after the effectivity of this Act, unless otherwise extended by Congress. It shall be organized within one hundred eighty (180) days after the effectivity of this Act.

**SEC. 5.** *Governing Principles.* – The Ilocos Norte Special Economic Zone and Freeport shall be managed and operated by INSEZA under the following principles:

 provisions of Republic Act No. 7160, otherwise known as the "Local Government Code of 1991", the Ilocos Norte Ecozone shall be developed into and operated as a decentralized self-reliant and self-sustaining industrial, commercial/trading, agro-industrial, tourist, banking, financial and investment center with suitable residential areas;

(a) Within the framework and limitations of the Constitution and applicable

(b) The Ilocos Norte Ecozone shall be provided with transportation, telecommunications, and other facilities needed to attract legitimate and productive investments, generate linkage industries and employment opportunities for the people of Ilocos Norte and its neighboring towns and cities;

(c) The Ilocos Norte Ecozone may establish mutually beneficial economic relations with other entities or enterprises within the country or, subject to the administrative guidance of the Department of Foreign Affairs (DFA), the Philippine Economic Zone Authority (PEZA), and/or the Department of Trade and Industry (DTI), with foreign entities or enterprises;

(d) Foreign citizens and companies owned by non-Filipinos, in whatever proportion, may set up enterprise in the Ilocos Norte Zone, either by themselves or in a joint venture with Filipinos in any sector of industry, international trade and commerce within the Ilocos Norte Ecozone;

(e) The Ilocos Norte Ecozone shall be managed and operated as separate customs territory thereby ensuring the free flow or movement of goods and capital within, into and out of its territory, and shall likewise provide incentives such as tax and duty-free importations of raw materials, capital and equipment to registered enterprises located therein. However, exportation or removal of goods from the territory of the Ilocos Norte Ecozone to the other parts of the Philippine territory shall be subject to customs duties and taxes under Republic

Act No. 10863, otherwise known as the "Customs Modernization and Tariff Act" and other relevant tax laws of the Philippines;

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- (f) The areas comprising the Ilocos Norte Ecozone may be expanded or reduced when necessary. For this purpose, the INSEZA, in consultation with the LGUs, shall have the power to acquire either by purchase, negotiation or condemnation proceedings, any private land within or adjacent to the Ilocos Norte Ecozone for the following purposes: (1) consolidation of lands for zone development; (2) acquisition of right of way to the Ilocos Norte Ecozone; and (3) the protection of watershed areas and natural assets valuable to the property of Ilocos Norte Ecozone;
- (g) Goods manufactured by an Ilocos Norte Ecozone enterprise shall be made available for immediate retail sale in the domestic market, subject to the payment of corresponding taxes on raw materials and other regulations that may be formulated by the INSEZA together with the PEZA, the Bureau of Customs (BOC), and the DTI. However, in order to protect domestic industries, a Negative List of industries shall be drawn up and regularly updated by PEZA. Enterprises engaged in industries included in such Negative List shall not be allowed to sell their products locally;
- (h) The defense of the Ilocos Norte Ecozone and the security of its perimeter fence shall be the responsibility of the National Government, in coordination with INSEZA and the LGUs.

**SEC. 6.** *Capitalization.* – The INSEZA shall have an authorized capital stock of Two billion (2,000,000,000) no par shares with a minimum issue of Ten pesos (PhP10.00) each, the majority shares of which shall be subscribed and paid for by the National Government and LGUs embracing the Ilocos Norte Special Economic Zone and Freeport. The Board of Directors of INSEZA may, with the written concurrence of the Secretary of Finance may determine. The National Government and the LGUs shall in no case own less than sixty *per centum* (60%) of the total issued and outstanding capital of INSEZA.

The amount necessary to subscribe and pay for the shares of the National Government to the capital stock of the INSEZA shall be included in the annual General Appropriations Act. For LGUs, the funds shall be taken from their internal revenue allotment and other local funds.

- **SEC. 7.** *Principal Office of the INSEZA.* The INSEZA shall maintain its principal office at Laoag City, Ilocos Norte, but it may establish branches within the Philippines as may be necessary for the proper conduct of its business.
- **SEC. 8.** *Powers and Functions of the INSEZA.* The INSEZA shall have the following powers and functions:

(a) To operate, administer, manage and develop the Ilocos Norte Ecozone according to the principles and provisions set forth in this Act;

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- (b) To register, regulate and supervise the enterprises in the Ilocos Norte Ecozone in an efficient and decentralized manner, subject to existing laws;
- (c) To coordinate with LGUs and exercise general supervision over the development plans, activities and operations of the Ilocos Norte Ecozone;
- (d) To regulate and undertake the establishment and construction, operation and maintenance of public utilities, other services, and infrastructure in the Ilocos Norte Ecozone such as light and power, shipping, barging, stevedoring, cargo handling, hauling, warehousing, storage and cargo, port services or concessions, piers, wharves, bulkheads, bulk terminals, mooring areas, storage areas, roads, telecommunications, transport, bridges, terminals, conveyors, water supply and storage, sewage, drainage, airport operations in coordination with the Civil Aviation Authority of the Philippines (CAAP), and such other sendees and concessions or infrastructure necessary or incidental to the accomplishment of the objectives of this Act;
- (e) To construct, acquire, own, lease, operate and maintain on its own or through contracts, franchise, licenses, bulk purchase from the private sector or permits under any of the schemes allowed in Republic Act No. 6597, otherwise known as the "Built-Operate-Transfer Law" as amended, or joint venture, adequate facilities and infrastructure required or needed for the operation and development of the Ilocos Norte Ecozone, in coordination with the appropriate national and local government authorities and in conformity with applicable law's thereon;
- (f) To approve plans, programs and projects of the Ilocos Norte Ecozone to be submitted to the Regional Development Council for inclusion and inputs to the overall regional development plan;
- (g) To raise or borrow, within the limitation provided by law, and subject to the approval or opinion of the Monetary Board of the Bangko Sentral ng Pilipinas (BSP), as the case may be, adequate and necessary funds from local or foreign sources, to finance its projects and programs under this Act and for this purpose, to issue bonds, promissory notes and other forms of securities, and to secure the same by a guarantee, pledge, mortgage, deed of trust or an assignment of all or part of its property or assets;
- (h) To create, operate and/or contract to operate such functional units or offices of the INSEZA, as it may deem necessary;
- (i) To adopt, alter and use a corporate seal; contract, lease, buy, acquire, own or otherwise dispose of personal and/or real property of whatever nature; sue and be sued; and otherwise carry out its functions and duties, as provided for in this Act;
- (j) To issue certificates of origin for products manufactured or processed in the Ilocos Norte Ecozone in accordance with prevailing rules of origin and the

pertinent regulations of the PEZA, the DTI, and/or the Department of Finance (DOF);

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- (k) To establish one-stop shops for the issuance of all necessary permits, clearances, licenses, and other similar certifications to conduct such activities intended to improve the ease of doing business within the Ilocos Norte Ecozone, in coordination with government agencies having jurisdiction over activities therein; *Provided*, That all government agencies are directed to provide and extend utmost and full cooperation to the Ilocos Norte Ecozone in the establishment of such one-stop shops;
- (I) To provide internal security to the Ilocos Norte Ecozone, in coordination with the National Government and affected LGU. For this purpose, the INSEZA shall provide and establish its own internal security and fire fighting forces or hire others to provide the same. Military forces sent by the National Government for the purpose of defense shall not interfere in the internal affairs of the Ilocos Norte Ecozone and expenditures for these military forces shall be borne by the National Government;
- (m) To recommend to the President of the Philippines the issuance of a proclamation to fix and delimit the site of Ilocos Norte Ecozone;
- (n) To exercise such powers as may be essential, necessary or incidental to the powers granted to it hereunder, as well as those that shall enable to carry out, implement and accomplish the purposes, objectives and policies of this Act; and
- (o) To issue, rules and regulations consistent with the provisions of this Act as may be necessary to accomplish and implement the purposes, objectives and policies provided herein.
- **SEC. 9.** Board of Directors of the INSEZA. The powers of the INSEZA shall be vested in and exercised by a Board of Directors, hereinafter referred to as the "Board", which shall be composed of the following:
  - (a) The Chairperson, who shall at the same time be the administrator of the INSEZA;
  - (b) Governor of the Province of Ilocos Norte or a duly-authorized representative;
  - (c) One of the mayors of the city and municipalities covered by the ecozone;
  - (d) One (1) representative from the investor's group; and
  - (e) One (1) representative from among the workers in the Ilocos Norte Ecozone. The Vice Chairperson shall be selected from among the members of the Board.

The representative from the Provincial Government and the one of the mayors of the city and municipalities covered by the ecozone shall serve as *ex-officio* members of the Board, whose terms in the Board correspond to their terms as elected officials.

The Chairperson and members of the Board, except ex-officio members, shall be

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 appointed by the President of the Philippines to serve for a term of six (6) years unless sooner separated from service due to death, voluntary resignation or removal for cause. In case of death, resignation or removal for cause, their replacements shall serve only the unexpired portion of the respective terms.

The Chairperson of the Board must be a Filipino citizen, of good moral character, of proven probity and integrity, and a degree holder in any of the following fields: economics, business, public administration, law, management or their equivalent, and with at least ten (10) years relevant working experience preferably in the field of management or public administration.

The members of the Board, except the *ex-officio* members, shall each receive *per diem* rates to be determined by the Department of Budget and Management (DBM) in accordance with existing rules and regulations: *Provided, however,* That the total per diem collected each month shall not exceed the equivalent per diem for four (4) meetings. Unless and until the President of the Philippines has fixed for a higher per diem for the members of the Board, such per diem shall not be more than ten thousand pesos (Php 10,000.00) for every Board meeting.

**SEC. 10.** *Organization and Personnel.* – The Board of Directors of INSEZA shall provide for its organization and staff. The Board shall appoint and fix the remuneration and other emoluments of its officers and employees in accordance with existing laws on compensation and position classification. The Board shall have exclusive and final authority to promote, transfer, assign, reassign or remove officers of the INSEZA, any provision of existing law to the contrary notwithstanding. The Chairperson- Administrator shall carry out the decisions of the Board.

The officers and employees of INSEZA, including all members of the Board, shall not engage directly or indirectly in partisan activities nor take part in any election, except to vote.

No officer or employee of the INSEZA, subject to civil service laws and regulations, shall be removed or suspended except for cause, as provided by law.

- **SEC. 11.** *Powers and Duties of the Chairperson-Administrator.* The Chairperson-Administrator shall have the following powers and duties:
  - (a) To direct and manage the affairs of the INSEZA, in accordance with the polices of the Board;
  - (b) To establish the internal organization of the INSEZA under such conditions that the Board may prescribe;
  - (c) To submit an annual budget and necessary supplemental budget to the Board for its approval;

1	(d)	To submit within thirty (30) days after the close of each fiscal year and annual report to the Board and such other reports as may be required;
2	(0)	To submit to the Board for its approval, policies, systems, procedures,
3	(6)	rules and regulations that are essential to the operation of the Ilocos
4		Norte Ecozone;
5	(f)	To recommend to the Board the remuneration and other emoluments of its
6 7	(1)	officers and employees in accordance with existing laws on compensation
8		and position classification;
9	(g)	To create a mechanism in coordination with relevant agencies for the promotion of industrial peace, the protection of the environment, and the
П		advancement of the quality of life in the Ilocos Norte Ecozone; and
12 13	(h)	To perform such other duties, as may be assigned by the Board or which are necessary or incidental to the office.
		are processory of modernal to the office.
14 15	SEC	. 12. Legal Counsel The INSEZA shall have its own legal counsel under
16	the supervision of the government corporate counsel. When the exigencies of its	
17	businesses and operations demand it, the INSEZA may engage the services of an	
18	outside co	unsel either on a case to case or on a fixed retainer basis.
19		CHARTER III
20	CHAPTER III	
21		INCENTIVES TO ECOZONE ENTERPRISES/INVESTORS
22	C.E.	a 42 Forestone Mice. Any foreign national who invests an amount of
23	SEC. 13. <i>Investors Visa.</i> – Any foreign national who invests an amount of	
24	Two hundred thousand US dollars (US\$200,000.00), either in cash and/or equipment,	
25	in a registered enterprise shall be entitled to an investor's visa: <i>Provided</i> , That the	
26	foreign na	tional:
27	a)	Must be at least eighteen (18) years of age;
28	b)	Must not have been convicted by final judgment of a crime involving moral
29	,	turpitude;
30	c)	Must not be afflicted with any loathsome, dangerous or contagious
31	-/	disease;
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32	d)	Must not have been confined in an institution for any mental disorder or
33		disability; and
34	e)	Must be financially capable as borne out by credible and verifiable
35	-/	evidence.
36	A foreign national may reside in the Philippines while the investment subsists	
37	To prove this, the foreign national shall submit an annual report in the form duly	

prescribed for the purpose. Should said investments be withdrawn from the Philippines, the investor's visa issued to said foreign national shall automatically expire and/or be withdrawn.

 The authority to issue visas and work permits shall remain with the Bureau of Immigration (BI) and the Department of Labor and Employment (DOLE), respectively: *Provided,* That the BI and the DOLE shall implement measures to expedite the processing of such visas and permits for workers in the Ilocos Norte Ecozone and coordinate with the INSEZA for the purpose of improving ease of doing business.

- **SEC. 14.** *Fiscal Incentives.* Registered enterprises operating within the Ilocos Norte Ecozone may be entitled to the existing fiscal incentives provided and granted under Title XIII (Tax Incentives) of the National Internal Revenue Code of 1997, as amended by Republic Act No. 11534, otherwise known as the "*Corporate Recovery and Tax Incentives For Enterprises Act*".
- **SEC. 15.** Administration, Implementation and Monitoring of Incentives. In the interest of enhancing transparency in the management and accounting of tax incentives in the INSEZA, and ensuring the proper administration, management, enforcement, implem

entation and monitoring of tax incentives, the Ilocos Norte Ecozone shall comply with the provisions of Republic Act No. 11534, otherwise known as the "Corporate Recovery and Tax Incentives For Enterprises Act".

The BOC shall set up and establish a customs-controlled area outside the premises of the Ilocos Norte Ecozone to facilitate payment of duties and taxes on goods entering the Philippine customs territory: *Provided,* That notwithstanding the limitations on this Act, the Ilocos Norte Ecozone and BOC may coordinate and jointly implement measures on border protection.

- **SEC. 16.** Banking Rules and Regulations. Banks and financial institutions to be established in the Ilocos Norte Ecozone shall be under the supervision of the BSP and subject to existing banking laws, rules and regulations.
- **SEC. 17.** *Remittances.* In the case of foreign investments, a duly registered entity or enterprise within the Ilocos Norte Ecozone shall have the right to remit earnings from the investment in the currency in which the investment was originally made and at the exchange rate prevailing at the time of remittance, subject to the provisions of Republic Act No. 7653, otherwise known as the *"New Central Bank Act"*.

# **CHAPTER IV** NATIONAL GOVERNMENT AND OTHER ENTITIES

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SEC. 18. Supervision and Control. - For purposes of policy direction and coordination, the INSEZA shall be under the direct control and supervision of the Office of the President of the Philippines.

SEC. 19. Development Goals of the Ilocos Norte Ecozone. - The INSEZA shall determine the development goals for the Ilocos Norte Ecozone within the framework of national development plans, policies, and goals. The Chairperson and Administrator shall, upon approval by the Board, submit the Ilocos Norte Ecozone plans, programs and projects to the Regional Development Council for inclusion and inputs to the overall regional development plant.

SEC. 20. Relationship with Local Government Units. - Except as herein provided, the LGUs comprising the Ilocos Norte Ecozone shall retain their basic autonomy and identity. The Municipalities of Badoc, Currimao, Paoay, and Laoag City in Ilocos Norte shall operate and function in accordance with the framework of the 1987 Constitution, Local Government Code of 1991, and this Act.

In case of any conflict among the INSEZA, the LGUs, and the National Government on matters affecting the Ilocos Norte Ecozone, other than national defense and security matters, the decision of the INSEZA shall prevail.

SEC. 21. Audit. - The Commission on Audit shall appoint a full-time editor in the INSEZA or may assign such number of personnel as may be necessary in the performance of their functions.

## **CHAPTER V MISCELLANEOUS PROVISIONS**

SEC. 22. Interpretation/Construction. - The powers, authorities and functions that are vested in the INSEZA are intended to establish national selfsufficiency and self-reliance in the advancement of and protection of the national integrity, enhancement of national security, decentralization of government functions and authority, and promote an efficient and effective working relationship among the INSEZA, the National Government and the LGUs. Any interpretation of this Act shall consider such intentions. In the event of conflict of interpretation and provided by the intentions cannot be harmonized, the provisions of this Act shall be construed in favour of an interpretation that would tend to protect national security.

SEC. 23. Applicability Clause. - Insofar as they are inconsistent with the

provisions of this Act, the provisions of Section 30 to 41 of Republic Act No. 7916, otherwise known as "The Special Economic Zone Act of 1995", as amended, shall likewise apply to the Ilocos Norte Ecozone.

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**SEC. 24.** *Implementing Rules and Regulations.* – The National Economic and Development Authority (NEDA), in coordination with the DTI and DOF, shall formulate the implementing rules and regulations of this Act within ninety (90) days after the approval of this Act.

**SEC. 25.** *Separability Clause.* – If any provision of this Act shall be held unconstitutional or invalid, the other provisions not otherwise affected shall remain in full force and effects

**SEC. 26.** *Repealing Clause.* – All laws, executive orders or issuances or any part thereof, which are inconsistent herewith, are hereby repealed or amended accordingly.

**SEC. 27.** *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved,