

'22 DEC -6 P12 :09

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

RECEIVED BY: 

**SENATE**  
S.B. No. 1597

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Introduced by **SENATOR IMEE R. MARCOS**

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**AN ACT**  
**ESTABLISHING THE MARINDUQUE SPECIAL ECONOMIC ZONE IN THE**  
**MUNICIPALITY OF SANTA CRUZ, PROVINCE OF MARINDUQUE, CREATING**  
**FOR THE PURPOSE THE MARINDUQUE SPECIAL ECONOMIC ZONE**  
**AUTHORITY, APPROPRIATING FUNDS THEREFOR AND FOR OTHER**  
**PURPOSES**

EXPLANATORY NOTE

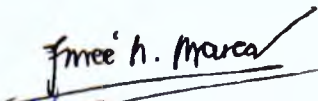
Section 20 of Article II of the 1987 Philippine Constitution provides that, "*The State recognizes the indispensable role of the private sector, encourages private enterprise, and provides incentives to needed investments.*"

According to the Private Enterprise Development in Low Income Countries (PEDL), countries across the world are increasingly exploring the possibilities presented by special economic zones (SEZ), and attempting to seize their potential to catalyze economic development and structural transformation. The United Nations Conference on Trade and Development (UNCTAD) reported that as of 2019, 147 countries had established some kind of SEZ, with the total number of SEZs worldwide nearing 5,400.

Marinduque is an island province located in Southwestern Tagalog Region or MIMAROPA with a total population of 239,207, according to the Philippine Statistics Authority (PSA) 2020 Population Census. It comprises six municipalities with 218 barangays. Currently, Marinduque is served by flights via the Marinduque Airport located in Masiga. The province may also be accessed through a seaport in Balanacan. A daily boat trip from General Luna in Quezon province to Santa Cruz and vice versa may also be availed by both cargoes and passengers.

This bill seeks to establish the Marinduque Special Economic Zone (MAREZ) in the Municipality of Santa Cruz, Province of Marinduque which shall bolster economic growth by creating employment opportunities, increasing industrial infrastructure investments, enhancing trade efficiency of domestic firms, and fostering foreign investments thereby uplifting the economy and improving the lives of people throughout the province. Moreover, the establishment of this ecozone will offer a technological hub which will pave the way for technological start-ups and further encourage expansion of domestic companies. This will also establish and maintain a one-stop shop to facilitate ease-of-doing-business for prospective investors.

For the foregoing reasons, the passage of this bill is earnestly sought.

  
**IMEE R. MARCOS**



22 DEC -6 12:09

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PURPOSES**

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

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**CHAPTER I  
GENERAL PROVISIONS**

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**SECTION 1. Short Title.** – This Act shall be known as the "*Marinduque Special Economic Zone Act.*"

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**SEC. 2. Declaration of Policy.** – It is hereby declared the State policy to actively encourage, promote, induce and accelerate a sound and balanced industrial, economic and social development of the country in order to provide jobs to the people especially those in rural areas, increase productivity and individual and family income, and thereby improve the level and quality of living condition through the establishment, among others, of special economic zones in suitable and strategic locations in the country and through measures that will attract legitimate and productive foreign investments.

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**CHAPTER II  
CREATION OF THE ECONOMIC ZONE AND FREEPORT**

1           **SEC. 3. Creation of the Marinduque Special Economic Zone.** – In pursuit  
2 of the foregoing declared policy, there is hereby established a special economic zone in  
3 the Province of Marinduque, which shall be referred hereinafter as the "MAREZ." The  
4 MAREZ may cover the land territories in the Province of Marinduque comprising an area  
5 of approximately 95,925 hectares. The 'MAREZ main zone' shall comprise an area of  
6 approximately 1,254.68 hectares located in the Municipality of Santa Cruz, Marinduque.  
7 Other expansion areas may be established within the Province of Marinduque which  
8 may be declared as part of the MAREZ in compliance with Section 4(G) of this Act,  
9 including all municipal waters within the MAREZ main zone and of the expansion areas  
10 located at the coastline of the Province of Marinduque (the 'other MAREZ zones').

11           The metes and bounds of the MAREZ main zone, and the other MAREZ zones,  
12 which shall be fenced and include the establishment of an administrative office for ease  
13 of customs administration and border control, shall be determined based on the  
14 technical description and coordinates verified and approved by the Land Management  
15 Bureau, the National Mapping and Resource Information Authority, and other  
16 government agencies as may be provided by pertinent law.

17           Prospective developers and locators may choose to register with the MAREZA,  
18 PEZA or such other investment promotion agency: *Provided*, That in no case shall a  
19 registered enterprise enjoy incentives from two (2) or more investment promotion  
20 agencies: *Provided, further*, That in no case shall a MAREZA-registered enterprise be  
21 located within an ecozone administered or managed by another investment promotion  
22 agency.

23           **SEC. 4. Creation of the Marinduque Special Economic Zone Authority.**  
24 – There is hereby created a body corporate to be known as the Marinduque Special  
25 Economic Zone Authority, hereafter referred to as the "MAREZA", which shall manage  
26 and operate the MAREZ, in accordance with the provisions of this Act.  
27

28           **SEC. 5. Governing Principles.** – The MAREZA shall manage and operate the  
29 Marinduque Special Ecozone, under the following principles:

30           a) Within the framework and limitations of the Constitution and applicable  
31 provisions of the Republic Act No. 7160, or the Local Government Code, as amended,  
32 the Marinduque Special Ecozone shall be developed into and operated as a  
33 decentralized, self-reliant and self-sustaining industrial, commercial, trading, agro-

1 industrial, tourist, banking, financial, and investment center with suitable residential  
2 areas;

3 b) The MAREZ shall be equipped with transportation, telecommunications, and  
4 other facilities needed to attract legitimate and productive investments, generate  
5 linkage industries and employment opportunities for the people of the Municipalities of  
6 Santa Cruz, Province of Marinduque and those in neighboring towns and cities;

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

12 d) Foreign citizens and companies owned by non-Filipinos in whatever  
13 proportion may set up enterprises in the MAREZ, either by themselves or in a joint  
14 venture with Filipinos in any sector of industry, international trade and commerce within  
15 the MAREZ;

16 e) The MAREZ shall be managed and operated as a separate customs territory  
17 thereby ensuring the free flow or movement of goods and capital within, into, and out  
18 of its territory, and shall likewise provide incentives such as tax and duty-free  
19 importations of raw materials, capital and equipment to registered enterprises located  
20 therein, as provided under Republic Act No. 11534, otherwise known as the "*Corporate  
21 Recovery and Tax Incentives for Enterprises Act*";

22 f) The areas comprising the MAREZ may be expanded or reduced when  
23 necessary through a presidential proclamation issued for the said purpose. For this  
24 purpose, the MAREZA, in consultation with the LGUs, shall have the power to acquire  
25 either by purchase, negotiation or condemnation proceedings, any private land within  
26 or adjacent to the MAREZ for the following purposes: (1) consolidation of lands for  
27 zone development; (2) acquisition of right of way to the MAREZ; and (3) the protection  
28 of watershed areas and natural assets valuable to the prosperity of the MAREZ;

29 g) Goods manufactured by MAREZ enterprise shall be made available for  
30 immediate retail sale in the domestic market, subject to the payment of corresponding  
31 taxes on raw materials and other regulations that may be formulated by the MAREZA  
32 together with the PEZA, the Bureau of Customs, the Bureau of Internal Revenue, and  
33 the DTI. However, in order to protect domestic industries, a Negative List of industries

1 shall be drawn up and regularly updated by the PEZA. Enterprises engaged in industries  
2 included in such Negative List shall not be allowed to sell their products locally; and

3 i) The defense of the MAREZ and the security of its perimeter fence shall be the  
4 responsibility of the national government in coordination with the MAREZA and the  
5 concerned LGUs.

6 **SEC. 6. *Development Goals of the Marinduque Ecozone.*** – The MAREZA  
7 shall determine the development goals of the MAREZ within the framework of national  
8 development plans, policies, and goals. The Chairperson-Administrator shall, upon  
9 approval by the Board of the MAREZA, submit the MAREZ plans, programs, and projects  
10 to the Regional Development Council for inclusion in the regional development plan.

11 **SEC. 7. *Capitalization.*** – The MAREZA shall have an authorized capital stock  
12 of two billion pesos (Php2,000,000,000) no par shares with a minimum issue of Ten  
13 pesos (Php10.00) each, the majority shares of which shall be subscribed and paid for  
14 by the national government and the LGUs embracing the MAREZ. The Board of Directors  
15 of the MAREZA may, with the written concurrence of the Secretary of Finance, sell  
16 shares representing not more than forty *per centum* (40%) of the capital stock of the  
17 MAREZA to the general public under such policy as the Board and the Secretary of  
18 Finance may determine. The national government and the LGUs shall in no case own  
19 less than sixty *per centum* (60%) of the total issued and outstanding capital of the  
20 MAREZA.

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

25 **SEC. 8. *Principal Office of the MAREZA.*** – The MAREZA shall maintain its  
26 principal office in the Municipality of Santa Cruz, Province of Marinduque, but it may  
27 establish liaison offices within the Philippines as may be necessary for the proper  
28 conduct of its business.

29  
30 **SEC. 9. *Powers and Functions of the MAREZA.*** – The MAREZA shall have  
31 the following powers and functions:

32 a) To operate, administer, manage and develop the MAREZ according to the  
33 principles and provisions set forth in this Act,

- 1           b) To register, regulate and supervise the enterprises in the MAREZ in an  
2 efficient and decentralized manner, subject to existing laws;
- 3           c) To coordinate with LGUs and exercise general supervision over the  
4 development plans, activities and operations of the MAREZ;
- 5           d) To regulate and undertake the establishment, construction, operation, and  
6 maintenance of public utilities, other services, and infrastructure in the MAREZ such as  
7 light and power, shipping, barging, stevedoring, cargo handling, hauling, warehousing,  
8 storage of cargo, port services or concessions, piers, wharves, bulkheads, bulk  
9 terminals, mooring areas, storage areas, roads, telecommunications, transport,  
10 bridges, terminals, conveyors, water supply and storage, sewerage, drainage, airport  
11 operations in coordination with the Civil Aviation Authority of the Philippines, and such  
12 other services or concessions or infrastructure necessary or incidental to the  
13 accomplishment of the objectives of this Act;
- 14           e) To construct, acquire, own, lease, operate, and maintain on its own or  
15 through contracts, franchise, licenses, bulk purchase from the private sector or permits  
16 under any of the schemes allowed in Republic Act No. 6957, otherwise known as the  
17 "Build-Operate-Transfer Law", as amended, or joint venture, adequate facilities and  
18 infrastructure required or needed for the operation and development of the MAREZ, in  
19 coordination with appropriate national and local government authorities and in  
20 conformity with applicable laws thereon;
- 21           f) To approve plans, programs and projects of the MAREZ, to be submitted to  
22 the Regional Development Council for inclusion and inputs to the overall Regional  
23 Development Plan;
- 24           g) To operate on its own, either directly or through licenses to others, tourism-  
25 related activities, including games, amusements, recreational and sports facilities,  
26 subject to the approval and supervision of the Philippine Amusement and Gaming  
27 Corporation;
- 28           h) To raise or borrow, within the limitation provided by law, and subject to the  
29 approval of the Monetary Board of the *Bangko Sentral ng Pilipinas* (BSP), as the case  
30 may be, adequate and necessary funds from local or foreign sources, to finance its  
31 projects and programs under this Act and for this purpose, to issue bonds, promissory  
32 notes, and other forms of securities, and to secure the same by a guarantee, pledge,  
33 mortgage, deed of trust or an assignment of all or part of its property or assets;

1 i) To protect, preserve, maintain, and develop the forests, beaches, corals and  
2 coral reefs, and maintain ecological balance within the MAREZ. Notwithstanding the  
3 power of the MAREZA to create rules for such purpose, the rules and regulations of the  
4 Department of Environment and Natural Resources and other government agencies  
5 involved in the above functions shall be implemented by the MAREZA;

6 j) To create, operate or contract to operate such functional units or offices of  
7 the MAREZA as it may deem necessary;

8 k) To adopt, alter, and use a corporate seal; contract, lease, buy, acquire, own  
9 or otherwise dispose of personal or real property of whatever nature; sue and be sued;  
10 and otherwise carry out its functions and duties as provided for in this Act;

11 l) To issue certificates of origin for products manufactured or processed in the  
12 MAREZ in accordance with prevailing rules of origin and the pertinent regulations of  
13 the PEZA, the DTI, and the Department of Finance (DOF);

14 m) To establish one-stop shops for the issuance of all necessary permits,  
15 clearances, licenses, and other similar certifications to conduct such activities intended  
16 to improve the ease of doing business within the MAREZ, in coordination with  
17 government agencies having jurisdiction over activities therein: *Provided*, That all  
18 government agencies are directed to provide and extend utmost and full cooperation  
19 to the MAREZA in the establishment of such one-stop shops;

20 n) To ensure that the area covered by the MAREZ is secure at all times: *Provided*,  
21 That the Armed Forces of the Philippines (AFP) or the Philippine National Police (PNP)  
22 shall not interfere in the internal affairs of the MAREZA except to provide the necessary  
23 security and defense, or law enforcement assistance, as the case may be: *Provided*,  
24 *finally*, That expenses of the AFP or the PNP in the MAREZ shall be borne by the national  
25 government;

26 o) To exercise such powers as may be essential, necessary or incidental to the  
27 powers granted to it by this Act, as well as those that shall enable it to carry out,  
28 implement and accomplish the purposes, objectives, and policies set forth in this Act;  
29 and

30 p) To issue rules and regulations consistent with the provisions of this Act as  
31 may be necessary to accomplish and implement the purposes, objectives, and policies  
32 provided herein.



1           **SEC. 10. Board of Directors of the MAREZA.** – The powers of the MAREZA  
2 shall be vested in and exercised by a Board of Directors, hereinafter referred to as the  
3 Board, which shall be composed of the following:

4           a) A Chairman, who shall at the same time be the administrator of the MAREZA;

5           b) A Vice-Chairperson who shall be elected from among the members of the  
6 Board of Directors;

7           c) Members consisting of:

8           1) The Governor of the Province of Marinduque or a duly-authorized  
9 representative from the Provincial Government of Marinduque;

10          2) One (1) of the mayors of the municipalities covered by the ecozone;

11          3) One (1) representative from the investors' group; and

12          4) One (1) representative from among the workers in the MAREZ.

13           The Governor or the Governor's duly authorized representative and the mayors  
14 of the municipalities within the ecozone shall serve as *ex officio* members of the Board,  
15 whose terms in the Board shall correspond to their terms as elected officials.

16           The Chairperson-Administrator and the members of the Board, except for the  
17 representatives of the investors and workers groups and the *ex officio* members, shall  
18 be appointed by the President of the Philippines to serve for a term of six (6) years,  
19 unless sooner separated from service due to death, voluntary resignation or removal  
20 for cause. In case of death, resignation or removal for cause, their replacements shall  
21 serve only the unexpired portion of the respective terms. No person shall be appointed  
22 as a member of the Board unless the person is a Filipino citizen, of good moral  
23 character, of proven probity and integrity, and a degree holder in any of the following  
24 fields: economics, business, public administration, law, management or their  
25 equivalent, and with at least ten (10) years relevant working experience, preferably in  
26 the field of management or public administration.

27           The members of the Board, except the *ex officio* members, shall each receive  
28 *per diem* allowance at rates to be determined by the Department of Budget and  
29 Management in accordance with existing rules and regulations: *Provided, however,*  
30 That the total *per diem* allowance collected each month shall not exceed the equivalent  
31 of four (4) meetings unless and until the President of the Philippines has fixed a higher  
32 rate for the *per diem* allowance for the members of the Board, such allowance shall

1 not be more than Ten thousand pesos (Php10,000.00) for every Board meeting.

2 **SEC. 11. *Organization and Personnel.*** – The Board of Directors of the  
3 MAREZA shall provide for its organization and staff. The Board shall appoint and fix the  
4 remuneration and other emoluments of its officers and employees in accordance with  
5 existing laws on compensation and position classification. The Board shall have  
6 exclusive and final authority to promote, transfer, assign, reassign, or remove officers  
7 of the MAREZA, any provision of existing law to the contrary notwithstanding. The  
8 Chairperson- Administrator shall execute the decisions of the Board.

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

12 No officer or employee of the MAREZA, shall be removed or suspended except  
13 for cause, as provided by civil service rules and regulations.

14 **SEC. 12. *Powers and Duties of the Administrator.*** – The Chairperson-  
15 Administrator shall have the following powers and duties:

16  
17 a) To direct and manage the affairs of the MAREZA, in accordance with the  
18 policies of the Board;

19 b) To establish the internal organization of the MAREZA under such conditions  
20 that the Board may prescribe;

21 c) To submit an annual budget and necessary supplemental budget to the  
22 Board for its approval;

23 d) To submit within thirty (30) days after the close of each fiscal year an annual  
24 report to the Board and such other reports as may be required;

25 e) To submit to the Board for its approval, policies, systems, procedures, rules  
26 and regulations that are essential to the operation of the MAREZ;

27 f) To recommend to the Board the remuneration and other emoluments of its  
28 officers and employees in accordance with existing laws on compensation and position  
29 classification;

1 g) To create a mechanism in coordination with relevant agencies for the  
2 promotion of industrial peace, the protection of the environment, and the advancement  
3 of the quality of life in the MAREZ; and

4 h) To perform such other duties as may be assigned by the Board or which are  
5 necessary or incidental to the office.

6 **SEC. 13. *Legal Counsel.*** – The MAREZA shall have its own internal legal  
7 counsel under the supervision of the Government Corporate Counsel. When the  
8 exigencies of its businesses and operations demand, the MAREZA may engage the  
9 services of an outside counsel either on a case-to-case or on a fixed retainer basis.

10 **CHAPTER III**  
11 **INCENTIVES TO ECOZONE ENTERPRISES/INVESTORS**

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13 **SEC. 14. *Incentive to Investors.*** – Any foreign national who invests an  
14 amount of Two hundred thousand US dollars (US\$200,000.00) in a registered  
15 enterprise, either in cash or equipment, shall be entitled to an investor's visa: *Provided,*  
16 That the foreign national has the following qualifications:

- 17 a) Must be at least eighteen (18) years of age;  
18 b) Must not have been convicted by final judgment of a crime involving moral  
19 turpitude;  
20 c) Must not be afflicted with any dangerous or contagious disease;  
21 d) Must not have been confined in an institution for any mental disorder or  
22 disability; and  
23 e) Must be financially capable as borne out by credible and verifiable evidence.

24 With an investor's visa, an alien shall be entitled to reside in the Philippines while  
25 the investment subsists. The alien investor shall submit an annual report, in the form  
26 duly prescribed for the purpose, to prove that the investment in the country subsists.  
27 Should said alien investor withdraw the investments from the Philippines, then the  
28 investor's visa issued to said alien shall automatically expire and be withdrawn.

29 The authority to issue visas and work permits shall remain with the Bureau of  
30 Immigration (BI) and the Department of Labor and Employment (DOLE), respectively:  
31 *Provided,* That the BI and the DOLE shall implement measures to expedite the  
32 processing of such visas and permits for workers in the MAREZ and coordinate closely  
33 with the MAREZA to facilitate the conduct of business operations.

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1           **SEC. 15. Fiscal Incentives.** – Registered enterprises operating within the  
2 MAREZ may be entitled to the existing fiscal incentives provided and granted under  
3 Title XIII (Tax Incentives) of the National Internal Revenue Code of 1997, as amended  
4 by Republic Act No. 11534, otherwise known as the *"Corporate Recovery and Tax*  
5 *Incentives for Enterprises Act"*.

6  
7           **SEC. 16. Administration, Implementation and Monitoring of**  
8 **Incentives.** – In the interest of enhancing transparency in the management and  
9 accounting of tax incentives in the MAREZ, and ensuring the proper administration,  
10 management, enforcement, implementation and monitoring of tax incentives, the  
11 MAREZA shall comply with the provisions of Republic Act No. 11534, otherwise known  
12 as the *"Corporate Recovery and Tax Incentives for Enterprises Act"*.

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

18           **SEC. 17. Banking Rules and Regulations.** – Banks and financial institutions  
19 to be established in the MAREZ shall be under the supervision of the BSP and subject  
20 to existing banking laws, rules and regulations.

21           **SEC. 18. Remittances.** – In the case of foreign investments, a duly registered  
22 entity or enterprise within the MAREZ shall have the right to remit earnings to its  
23 investors in the currency in which the investment was originally made and at the  
24 exchange rate prevailing at the time of remittance, subject to the provisions of Republic  
25 Act No. 7653, otherwise known as the *"New Central Bank Act"* as amended.

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

30           **SEC. 19. Supervision and Control.** – For purposes of policy direction and  
31 coordination, the MAREZA shall be under the direct control and supervision of the Office  
32 of the President of the Philippines.

33           **SEC. 20. Relationship with Local Government Units.** – Except as herein  
34 provided, the Municipality of Santa Cruz in the Province of Marinduque shall operate  
35 and function in accordance with the Local Government Code of 1991. In case of any  
36 conflict between the MAREZA and the local government units (LGUs) and the National

1 Government (NG) on matters affecting the MAREZ, other than defense and security  
2 matters, the decision of the MAREZA shall prevail.

3 **SEC. 21. *Audit.*** – The Commission on Audit shall appoint a full-time auditor in  
4 the MAREZA or may assign such number of personnel as may be necessary in the  
5 performance of their functions.

6 **CHAPTER V**  
7 **MISCELLANEOUS**  
8

9 **SEC. 22. *Interpretation and Construction.*** – The powers, authorities and  
10 functions that are vested in the MAREZA are intended to establish decentralization of  
11 governmental functions and authority and promote an efficient and effective working  
12 to relationship between the MAREZA, the National Government and the LGU.

13 **SEC. 23. *Applicability Clause.*** – Insofar as these are consistent with the  
14 provisions of this Act, the provisions of Sections 30 to 41 of Republic Act No. 7916  
15 otherwise known as "*The Special Economic Zone Act of 1995*" shall likewise apply to  
16 the MAREZ.

17 **SEC. 24. *Implementing Rules and Regulations.*** – Within sixty (60) days  
18 from effectivity of this Act, the DTI shall, in coordination with the DOF and the National  
19 Economic and Development Authority, formulate rules and regulations for the effective  
20 implementation of the provisions of this Act.

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

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

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

*Approved,*