

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



HOUSE OF REPRESENTATIVES

Introduced by Representative Rufus B. Rodriguez

House Bill No. **4868**

EXPLANATORY NOTE

Benham Rise is a 13-million-hectare underwater plateau located near Aurora. It is larger than Luzon and is considered part of the Philippines' continental shelf. It is largely unexplored and according to marine law experts, potentially a rich source of natural gas and other resources.

In 2012, the United Nations Commission on the Limits of the Continental Shelf (UNCLCS) confirmed Benham Rise as part of the Philippines' continental shelf. Under the UN Convention on the Law of the Sea (UNCLOS), the continental shelf comprises the seabed and subsoil of the submarine areas 200 nautical miles from a state's baselines. Under Article 77 of UNCLOS, the Philippines "exercises over the continental shelf sovereign rights for the purpose of exploring it and exploiting its natural resources."

In order to fully utilize what Benham Rise has to offer, we need a Benham Rise Research and Development Institute, a government-funded agency which shall be under the supervision of the Department of Science and Technology, to take the lead in all matters pertaining to the research, development, exploration, documentation, and conservation of the Benham Rise region.

In view of the foregoing, immediate passage of this measure is earnestly requested.


RUFUS B. RODRIGUEZ

HOUSE OF REPRESENTATIVES

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AN ACT
ESTABLISHING THE BENHAM RISE RESEARCH AND DEVELOPMENT INSTITUTE,
PROVIDING FUNDS THEREFOR, AND FOR OTHER PURPOSES

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

SECTION 1. Short Title. – This Act shall be known as the “Benham Rise Research and Development Institute Act”.

Sec 2. Declaration of Policy. – It is the policy of the State to exercise its sovereign right and responsibility in exploring, conserving, managing and developing the natural resources within the Benham Rise region and to ensure the effective exercise of our jurisdiction in protecting our precious natural heritage.

To this end, the creation of the Benham Rise Research and Development Institute is necessary to provide a dedicated government agency to establish a scientifically-sound management framework that would address the research, development, exploration, conservation and biodiversity concerns of the Benham Rise region.

Sec 3. Creation of the Benham Rise Research and Development Institute. – There is hereby created a Benham Rise Research and Development Institute, hereinafter referred to as the Institute. The Institute shall be under the Department of Science and Technology (DOST).

It shall be headed by a Director and shall be assisted by an Assistant Director. Both shall be appointed by the President. The Director shall be responsible for the implementation of policies and the immediate management of the programs and operations of the Institute.

Sec 4. Powers and Functions. – The Institute shall have the following powers and functions:

- a. Undertake research, development, documentation, exploration and conservation activities in the Benham Rise region;
- b. Develop an enforcement plan for biodiversity conservation, fisheries, commercial and economic activities in the area;
- c. Coordinate with law enforcement agencies to ensure that violators such as poachers or illegal commercial fishers will be properly apprehended and prosecuted;
- d. Enter into partnerships with accredited, legitimate non-government organizations and foreign parties interested or involved in similar exploration, documentation and conservation activities in the Benham Rise region. Provided, that such partnerships shall ultimately redound to the benefit and advantage of the Philippine government;
- e. Conduct studies focused on the effective and efficient management and utilization of resources in the Benham Rise region for food security, climate change adaptation, and sustenance of the Filipino people;
- f. Recommend policies or action by relevant government agencies as well as arrange for their participation in the planning and implementation of the programs of the Institute;

- g. Apply for, receive, and accept bequests, grants, and donation of funds, equipment, materials and services needed for the attainment of its objectives and
- h. Perform such other related activities as may be assigned by the Secretary of Science and Technology.

Sec 5. *Organization and Personnel.* – The Institute shall also have technical and administrative support staff as well as consultants as may be necessary for the performance of its mandate. Such consultants may be drawn from the public and private sectors on consultancy or contractual basis and shall be granted honoraria or allowances at such amounts as may be determined in accordance with existing laws, rules and regulations.

Sec 6. *Advisory Council.* – The Institute shall have an Advisory Council composed of the following officials:

- a. Secretary of the Department of Science and Technology (DOST);
- b. Secretary of the Department of Environment and Natural Resources (DENR);
- c. Secretary of the Department of Agriculture (DA);
- d. Dean, University of the Philippines Los Baños School of Environmental Science and Management (UPLBSESAM);
- e. Director, University of the Philippines Marine Science Institute (UP-MSI);
- f. Director, University of the Philippines Los Baños Institute of Biological Sciences (UPLB-IBS);
- g. Director, University of the Philippines National Institute for Geological Sciences (UP-NIGS);
- h. Flag Officer in Command, Philippine Navy; and
- i. Commandant, Philippine Coast Guard (PCG).

Sec. 7. *Transfer of Research Functions.* – All functions of units in the Department of Science and Technology, Department of Environment and Natural Resources, and Department of Agriculture and other government agencies involved in the research, exploration, study and conservation of the Benham Rise region shall be transferred to the Institute together with applicable appropriations, data, records, equipment, property and such personnel as may be necessary.

Sec. 8. *Funding.* – Such amounts as may be necessary for the operating expenses of the Institute for the current calendar year is hereby authorized to be appropriated out of any unappropriated funds in the National Treasury. Thereafter, the appropriations for the Institute shall be included in the General Appropriations Act.

Sec. 9. *Separability Clause.* – If any provision or part hereof, is held invalid or unconstitutional, the remainder of the law or the provision not otherwise affected shall remain valid and subsisting.

Sec. 10. *Repealing Clause.* – Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule or regulation contrary to or is inconsistent with the provisions of this Act is hereby repealed or amended accordingly.

Sec. 11. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved,