

March 2, 2010

HON. BENEDICTO H. ALCALA
Mayor
Municipal Hall
Panglao, Bohol

Dear Mayor Alcala:

This has reference to your letter dated February 19, 2010, on the power or authority of the municipality to undertake reclamation project.

We are of the view that municipalities are given power to undertake reclamation projects. We agree with your observation that although reclamation is not among the infrastructure projects enumerated in Section 17 of the Local Government Code of 1991 which municipalities are empowered to undertake, such enumeration is not exclusive.

Please take note that under Section 302 of the same law, it is provided that local government units may enter into contracts with any duly prequalified contractor for the financing, construction, operation and maintenance of any financially viable infrastructure facilities under the build-operate-and-transfer agreement, subject to the provisions of R.A. No. 6957 (as amended by R.A. No. 7718). Among the infrastructure projects mentioned therein is land reclamation or construction of industrial estates. Section 302 further provides that the provincial, city or **municipal** engineer, upon formal request in writing by the local chief executive shall prepare the plans and specifications for the proposed project; and that the provincial, city or **municipal** legal officer shall review the contracts to determine their legality, enforceability and correctness of form. With this provision, it is without doubt that municipalities can undertake reclamation projects, subject however to other requirements under other laws such as the submission of the study, plans and proposals to NEDA and compliance with the requirements that may be imposed by the Philippine Reclamation Authority.

Truly yours,

PEDRO A. NOVAL, JR.
Regional Director