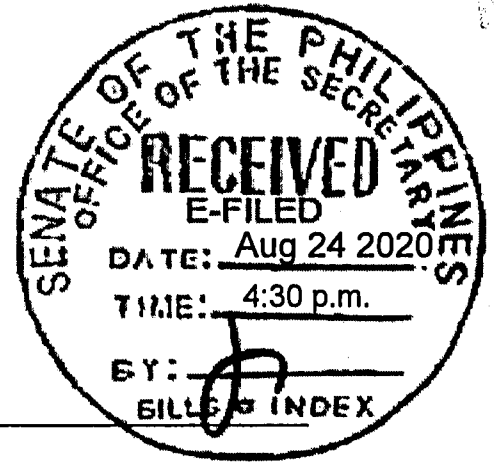


EIGHTEENTH CONGRESS OF THE )  
REPUBLIC OF THE PHILIPPINES )  
Second Regular Session )

SENATE  
S.B. No. 1788



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

The 1987 Constitution, under Article II, Section 20 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.

The Special Economic Zones (SEZs) have been used as an effective mechanism in addressing the challenges of globalization. The 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.

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.

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.

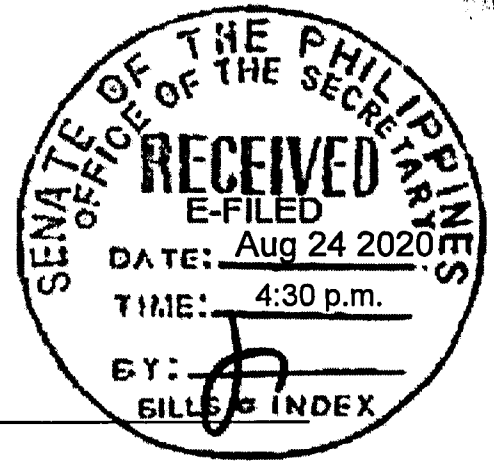
This measure was filed by Rep. Imelda R. Marcos during the 17th Congress and was approved on Third and Final Reading during the 17th Congress.

In view of the foregoing, passage of this bill is earnestly sought.

**IMEE R. MARCOS**

EIGHTEENTH CONGRESS OF THE )  
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*Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:*

1  
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**CHAPTER I  
GENERAL PROVISIONS**

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

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

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**CHAPTER II  
CREATION OF ECONOMIC ZONE**

13 **SEC. 3.** *Creation of the Ilocos Norte Special Economic Zone and Freeport.* – In  
14 accordance with the foregoing declared policy and subject to the concurrence of the  
15 concerned local government units (LGUs) of Ilocos Norte affected by the zone, there  
16 is hereby established a Special Economic Zone and Freeport, hereinafter referred to  
17 as the Ilocos Norte Ecozone. The Ilocos Norte Ecozone shall cover particular areas  
18 located in the Municipalities of Badoc, Currimaog, Paoay, and Laoag City. The specific  
19 metes and bounds of the Ilocos Norte Ecozone shall be more particularly defined in a  
20 presidential proclamation that shall be issued for this purpose: *Provided,* That the  
21 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.

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

- 3       a. Within the framework and limitations of the Constitution and applicable  
4 provisions of Republic Act No. 7160, otherwise known as the "Local  
5 Government Code of 1991", the Ilocos Norte Ecozone shall be developed  
6 into and operated as a decentralized self-reliant and self-sustaining  
7 industrial, commercial/trading, agro-industrial, tourist, banking, financial  
8 and investment center with suitable residential areas;
- 9       b. The Ilocos Norte Ecozone shall be provided with transportation,  
10 telecommunications, and other facilities needed to attract legitimate and  
11 productive investments, generate linkage industries and employment  
12 opportunities for the people of Ilocos Norte and its neighboring towns and  
13 cities;
- 14       c. The Ilocos Norte Ecozone may establish mutually beneficial economic  
15 relations with other entities or enterprises within the country or, subject to  
16 the administrative guidance of the Department of Foreign Affairs (DFA), the  
17 Philippine Economic Zone Authority (PEZA), and/or the Department of Trade  
18 and Industry (DTI), with foreign entities or enterprises;
- 19       d. Foreign citizens and companies owned by non-Filipinos, in whatever  
20 proportion, may set up enterprise in the Ilocos Norte Zone, either by  
21 themselves or in a joint venture with Filipinos in any sector of industry,  
22 international trade and commerce within the Ilocos Norte Ecozone;
- 23       e. The Ilocos Norte Ecozone shall be managed and operated as separate  
24 customs territory thereby ensuring the free flow or movement of goods and  
25 capital within, into and out of its territory, and shall likewise provide incentives  
26 such as tax and duty-free importations of raw materials, capital and  
27 equipment to registered enterprises located therein. However, exportation or  
28 removal of goods from the territory of the Ilocos Norte Ecozone to the other  
29 parts of the Philippine territory shall be subject to customs duties and taxes  
30 under Republic Act No. 10863, otherwise known as the "Customs  
31 Modernization and Tariff Act" and other relevant tax laws of the Philippines;

1 f. The areas comprising the Ilocos Norte Ecozone may be expanded or reduced  
2 when necessary. For this purpose, the INSEZA, in consultation with the LGUs,  
3 shall have the power to acquire either by purchase, negotiation or  
4 condemnation proceedings, any private land within or adjacent to the Ilocos  
5 Norte Ecozone for the following purposes: (1) consolidation of lands for zone  
6 development; (2) acquisition of right of way to the Ilocos Norte Ecozone; and  
7 (3) the protection of watershed areas and natural assets valuable to the  
8 property of Ilocos Norte Ecozone;

9 g. Goods manufactured by an Ilocos Norte Ecozone enterprise shall be made  
10 available for immediate retail sale in the domestic market, subject to the  
11 payment of corresponding taxes on raw materials and other regulations that  
12 may be formulated by the INSEZA together with the PEZA, the Bureau of  
13 Customs (BOC), and the DTI. However, in order to protect domestic industries,  
14 a Negative List of industries shall be drawn up and regularly updated by PEZA.  
15 Enterprises engaged in industries included in such Negative List shall not be  
16 allowed to sell their products locally;

17 h. The defense of the Ilocos Norte Ecozone and the security of its perimeter fence  
18 shall be the responsibility of the National Government in coordination with  
19 INSEZA and the LGUs.

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

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

32 **SEC. 7. Principal Office of the INSEZA.** – The INSEZA shall maintain its principal  
33 office at Laoag City, Ilocos Norte, but it may establish branches within the Philippines  
34 as may be necessary for the proper conduct of its business.

35 **SEC. 8. Powers and Functions of the INSEZA.** – The INSEZA shall have the following  
36 powers and functions:

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

- 1 b. To register, regulate and supervise the enterprises in the Ilocos Norte Ecozone  
2 in an 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 Ilocos Norte Ecozone;
- 5 d. To regulate and undertake the establishment and construction, operation and  
6 maintenance of public utilities, other services, and infrastructure in the Ilocos  
7 Norte Ecozone such as light and power, shipping, barging, stevedoring, cargo  
8 handling, hauling, warehousing, storage and cargo, port services or  
9 concessions, piers, wharves, bulkheads, bulk terminals, mooring areas, storage  
10 areas, roads, telecommunications, transport, bridges, terminals, conveyors,  
11 water supply and storage, sewage, drainage, airport operations in coordination  
12 with the Civil Aviation Authority of the Philippines (CAAP), and such other  
13 sendees and concessions or infrastructure necessary, or incidental to the  
14 accomplishment of the objectives of this Act;
- 15 e. To construct, acquire, own, lease, operate and maintain on its own or through  
16 contracts, franchise, licenses, bulk purchase from the private sector or permits  
17 under any of the schemes allowed in Republic Act No. 6597, otherwise known  
18 as the "Built-Operate-Transfer Law" as amended, or joint venture, adequate  
19 facilities and infrastructure required or needed for the operation and  
20 development of the Ilocos Norte Ecozone, in coordination with the appropriate  
21 national and local government authorities and in conformity with applicable  
22 law's thereon;
- 23 f. To approve plans, programs and projects of the Ilocos Norte Ecozone to be  
24 submitted to the Regional Development Council for inclusion and inputs to the  
25 overall regional development plan;
- 26 g. To operate on its own, either directly or through licenses to others, tourism-  
27 related activities, including games, amusements, recreational and sports  
28 facilities, subject to the approval and supervision of the Philippine Amusement  
29 and Gaming Corporation (PAGCOR);
- 30 h. To raise or borrow, within the limitation provided by law, and subject to the  
31 approval or opinion of the Monetary Board of the *Bangka Sentral ng Pilipinas*  
32 (BSP), as the case may be, adequate and necessary funds from local or foreign  
33 sources, to finance its projects and programs under this Act and for this  
34 purpose, to issue bonds, promissory notes and other forms of securities, and  
35 to secure the same by a guarantee, pledge, mortgage, deed of trust or an  
36 assignment of all or part of its property or assets;

- 1 i. To protect, preserve, maintain and develop the forests, beaches, coral and coral  
2 reefs, and maintain ecological balance within the Ilocos Norte Ecozone.  
3 Notwithstanding the authority of the INSEZA to create rules for such purpose,  
4 the rules and regulations of the Department of Environment and Natural  
5 Resources (DENR) and other government agencies involved in the above  
6 functions shall be implemented by the INSEZA;
- 7 j. To create, operate and/or contract to operate such functional units or offices  
8 of the INSEZA as it may deem necessary;
- 9 k. To adopt, alter and use a corporate seal; contract, lease, buy, acquire, own or  
10 otherwise dispose of personal and/or real property of whatever nature; sue and  
11 be sued; and otherwise carry out its functions and duties as provided for in this  
12 Act;
- 13 l. To issue certificates of origin for products manufactured or processed in the  
14 Ilocos Norte Ecozone in accordance with prevailing rules of origin and the  
15 pertinent regulations of the PEZA, the DTI, and/or the Department of Finance  
16 (DOF);
- 17 m. To establish one-stop shops for the issuance of all necessary permits,  
18 clearances, licenses, and other similar certifications to conduct such activities  
19 intended to improve the ease of doing business within the Ilocos Norte  
20 Ecozone, in coordination with government agencies having jurisdiction over  
21 activities therein; *Provided*, That all government agencies are directed to provide  
22 and extend utmost and full cooperation to the Ilocos Norte Ecozone in the  
23 establishment of such one-stop shops;
- 24 n. To provide internal security to the Ilocos Norte Ecozone in coordination with  
25 the National Government and affected LGU. For this purpose, the INSEZA shall  
26 provide and establish its own internal security and fire fighting forces or hire  
27 others to provide the same. Military forces sent by the National Government for  
28 the purpose of defense shall not interfere in the internal affairs of the Ilocos  
29 Norte Ecozone and expenditures for these military forces shall be borne by the  
30 National Government;
- 31 o. To recommend to the President of the Philippines the issuance of a  
32 proclamation to fix and delimit the site of Ilocos Norte Ecozone;
- 33 p. To exercise such powers as may be essential, necessary or incidental to the  
34 powers granted to it hereunder, as well as those that shall enable to carry out,  
35 implement and accomplish the purposes, objectives and policies of this Act;  
36 and
- 37 q. To issue, rules and regulations consistent with the provisions of this Act as may  
38 be necessary to accomplish and implement the purposes, objectives and  
39 policies provided herein.

1       **SEC. 9. Board of Directors of the INSEZA.** - The powers of the INSEZA shall be  
2 vested in and exercised by a Board of Directors, hereinafter referred to as the Board,  
3 which shall be composed of the following:

- 4       a. The Chairperson, who shall at the same time be the administrator of the  
5       INSEZA;
- 6       b. Governor of the Province of Ilocos Norte or a duly-authorized representative;
- 7       c. One of the mayors of the city and municipalities covered by the ecozone;
- 8       d. One (1) representative from the investor's group; and
- 9       e. One (1) representative from among the workers in the Ilocos Norte Ecozone.

10       The Vice Chairperson shall be selected from among the members of the Board.

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

14       The Chairperson and members of the Board, except *ex-officio* members, shall be  
15 appointed by the President of the Philippines to serve for a term of six (6) years unless  
16 sooner separated from service due to death, voluntary resignation or removal for  
17 cause. In case of death, resignation or removal for cause, their replacements shall  
18 serve only the unexpired portion of the respective terms.

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

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25       The members of the Board, except the *ex-officio* members, shall each receive *per*  
26 *diem* at rates to be determined by the Department of Budget and Management (DBM)  
27 in accordance with existing rules and regulations: *Provided, however,* That the total per  
28 diem collected each month shall not exceed the equivalent per diem for four (4)  
29 meetings. Unless and until the President of the Philippines has fixed for a higher per  
30 diem for the members of the Board, such per diem shall not be more than Ten  
31 thousand pesos (PhP10,000.00) for every Board meeting.

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

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

44       No officer or employee of the INSEZA, subject to civil service laws and

1 regulations, shall be removed or suspended except for cause, as provided by law.

2 **SEC. 11. Powers and Duties of the Chairperson-Administrator.** –The Chairperson-  
3 Administrator shall have the following powers and duties:

4 a. To direct and manage the affairs of the INSEZA in accordance with the polices  
5 of the Board;

6 b. To establish the internal organization of the INSEZA under such conditions  
7 that the Board may prescribe;

8 c. To submit an annual budget and necessary supplemental budget to the Board  
9 for its approval;

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

12 e. To submit to the Board for its approval, policies, systems, procedures, rules  
13 and regulations that are essential to the operation of the I locos Norte  
14 Ecozone;

15 f. To recommend to the Board the remuneration and other emoluments of its  
16 officers and employees in accordance with existing laws on compensation and  
17 position classification;

18 g. To create a mechanism in coordination with relevant agencies for the promotion  
19 of industrial peace, the protection of the environment, and the advancement of  
20 the quality of life in the Ilocos Norte Ecozone; and

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

23 **SEC. 12. Legal Counsel.** – The INSEZA shall have its own legal counsel under the  
24 supervision of the government corporate counsel. When the exigencies of its  
25 businesses and operations demand it, the INSEZA may engage the services of an  
26 outside counsel either on a case to case or on a fixed retainer basis.

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### Chapter III INCENTIVES TO ECOZONE ENTERPRISES/INVESTORS

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

35 a. Must be at least eighteen (18) years of age;

36 b. Must not have been convicted by final judgment of a crime involving moral  
37 turpitude;

38 c. Must not be afflicted with any loathsome, dangerous or contagious disease;

39 d. Must not have been institutionalized for any mental disorder or disability; and



1 e. Must establish financial capability and capacity through verifiable and credible  
2 evidence.

3 A foreign national may reside in the Philippines while the investment herein  
4 required subsists. To prove this, the foreign national should submit an annual report,  
5 in the form duly prescribed for the purpose. Should said investments be withdrawn  
6 from the Philippines, then the investor's visa issued to said foreign national shall  
7 automatically expire and/or be withdrawn.

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

13 **SEC. 14. Fiscal Incentives.** – Registered enterprises operating within the Ilocos  
14 Norte Ecozone may be entitled to the pre-existing pertinent fiscal incentives as  
15 provided for under Republic Act No. 7916, as amended by Republic Act No. 8748, also  
16 known as the Special Economic Zone Act of 1995, or those provided under Executive  
17 Order No. 226, as amended, otherwise known as the Omnibus Investment Code of  
18 1987, and/or those that may be further granted as the need and necessity arises by  
19 appropriate government department, agency, or office: *Provided*, That in the  
20 administration, implementation and monitoring of incentives, the INSEZA may impose  
21 its own conditions not otherwise prohibited by this Act: *Provided, further*, That the  
22 INSEZA shall not be limited to the conditions provided under Republic Act No. 7916,  
23 Republic Act No. 8748 or any other related issuance, rule or regulation.  
24

25 **SEC. 15. Imposition of a Tax Rate of Five Percent (5%) on Gross Income Earned.** –  
26 No taxes, local and national, shall be imposed on business establishments operating  
27 within the Ilocos Norte Ecozone, including income tax withholding tax, donor's tax,  
28 percentage tax, and documentary stamp tax. In lieu thereof and subject to Section  
29 17 of this Act, said business establishments shall pay a five percent (5%) final tax  
30 on their gross income earned: *Provided*, That the proceeds from such final tax shall  
31 be shared by instrumentalities of the government in accordance with the following  
32 schedule:

33 a. Three *per centum* (3%) to the National Government;

34 b. Two *per centum* (2%) shall be directly remitted by the business  
35 establishments to the treasurer's office of the municipality or city where the  
36 enterprise is located.

37 The INSEZA shall have the authority to grant income tax holiday and net  
38 operating loss carry over subject to Section 17 of this Act and conditions as it may  
39 have imposed pursuant to Section 14 of this Act.

40 **SEC. 16. Administration Implementation and Monitoring of Incentives.** – In the  
41 interest of enhancing transparency in the management and accounting of tax  
42 incentives in the Ilocos Norte Ecozone, the INSEZA shall comply with the provisions  
43 of Republic Act No. 10708, otherwise known as "The Tax Incentives Management  
44 and Transparency Act (TIMTA)" and its implementing rules and regulations for proper  
45 administration, management, enforcement, implementation and monitoring of tax  
46 incentives under this law.

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

6 **SEC. 17. *Duration and Incentives.*** - Fiscal incentives under this Act shall be  
7 terminated after a cumulative period of twenty (20) years from date of registration or  
8 start of commercial operation, whichever is applicable, except that it could be  
9 extended with regard to industries deemed indispensable to national development and  
10 interest. The industries exempted from this provision shall be determined by the  
11 INSEZA, in consultation with other government agencies.

12 **SEC. 18. *Sequential Availment of Incentives.*** - Registered enterprises may enjoy  
13 the income tax holiday (ITH) granted by INSEZA prior to the availment of the five  
14 percent (5%) final tax on gross income earned incentive: *Provided*, That in the event  
15 a registered enterprise elects to avail of the final tax incentive, such registered  
16 enterprise shall be barred from availing the ITH incentive.  
17

18 Registered enterprises, if eligible, may register for incentives with other  
19 investment promotion agencies: *Provided*, That registered enterprises electing to  
20 avail of the incentives of other promotion agencies shall not be able to avail of the  
21 incentives of the Ilocos Norte Ecozone until the expiration of the incentives with such  
22 other investment promotion agencies.  
23

24 **SEC. 19. *Extension of Period of Availment.*** - The INSEZA may extend period of the  
25 validity of the incentives extended to a registered enterprise in the event that it suffers,  
26 due to *force majeure*, a cessation or suspension of operations that impairs its viability  
27 or profitability.

28 **SEC. 20. *Banking Rules and Regulations.*** - Banks and financial institutions to be  
29 established in the Ilocos Norte Ecozone shall be under the supervision of the BSP and  
30 subject to existing banking laws, rules and regulations.

31 **SEC. 21. *Remittances.*** - In the case of foreign investments, a duly registered  
32 entity or enterprise within the Ilocos Norte Ecozone shall have the right to remit  
33 earnings from the investment in the currency in which the investment was originally  
34 made and at the exchange rate prevailing at the time of remittance, subject to the  
35 provisions of Republic Act No. 7653, otherwise known as the "New Central Bank Act".

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

38 **SEC. 22. *Supervision and Control.*** - For purposes of policy direction and  
39 coordination, the INSEZA shall be under the direct control and supervision of the Office  
40 of the President of the Philippines.

41 **SEC. 23. *Development Goals of the Ilocos Norte Ecozone.*** - The INSFyA shall  
42 determine the development goals for the Ilocos Norte Ecozone within the framework  
43 of national development plans, policies, and goals. The Chairperson and Administrator  
44 shall, upon approval by the Board, submit the Ilocos Norte Ecozone plans, programs  
45 and projects to the Regional Development Council for inclusion and inputs to the  
46 overall regional development plant.  
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