

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Diliman, Quezon City

THIRTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 2498

Introduced By: HON. MAURICIO G. DOMOGAN

EXPLANATORY NOTE

The Agno River Basin, one of the largest basins in the Philippines and with a catchment of approximately 8,013.41 square kilometers, originates in Mt. Data, often called the Cradle of Five Rivers of Luzon. It flows southward through deep ravines and gorges down the vegetable terraces of Buguias and Kabayan in Benguet to supply the huge reservoirs of Ambuklao and Binga Dams, then flows down the alluvial plains of Northern Central Plains to end up in the Lingayen Gulf.

A rich ecosystem, the river basin serves as the lifeblood of Benguet, Tarlac, Pangasinan, and Zambales as it waters a big portion of the breadbasket in this part of Luzon.

But this rich ecosystem has begun to feel the impact of uncontrolled development. Barrels and barrels of chemical residues from the vegetable growing farms of Loo Valley and Kabayan, tons and tons of chemical wastes from the gold and copper mines of Itogon, and still tons and tons of plastics and non-biodegradable garbage from Nueva Ecija and northern part of the Central Plains are making the river sick and dying. Even the hardy river shells and canny river eels cannot withstand the voluminous potion of polluted river. The enormous population inhabiting the river banks has contributed greatly to such a debilitating river condition.

Added to this ecosystem problem is the overlapping of functions and non-coordination of government and non-government agencies and entities that attempt to implement their "kanya-kanya" programs even at the expense of the river's biodiversity.

There is an urgent need to stop this enormous degradation going on in this river basin and to establish positive and beneficial systems that will coordinate and implement programs that will ensure the participation of all stakeholders-government and non-government-who will work for one common goal for the benefit of the Filipino people more particularly in the socio-economic and environmental fields. The Agno River Basin Development Authority intends to act as the institutionalized mechanism to bring about proper balance of development in said basin through proper management towards the attainment of true justice and equity for the present generation and the generations to come.

Hence, this bill, approval of which is earnestly sought.


MAURICIO G. DOMOGAN

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Diliman, Quezon City

THIRTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 2498

Introduced By: HON. MAURICIO G. DOMOGAN

AN ACT CREATING THE AGNO RIVER BASIN DEVELOPMENT AUTHORITY,
DEFINING ITS POWERS, FUNCTIONS AND RESPONSIBILITIES,
APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES.

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

SECTION 1. Title. - This Act shall be known as the "Agno River Basin Development Authority."

SECTION 2. Declaration of Policy. - It is the declared policy of the State to promote the integrated management and development of resources in the country's River Basins, within the context of a river basin approach to

optimize economic and social welfare without compromising the sustainability of environmental systems and to ensure a fair sharing of the national patrimony between upland and lowland peoples.

SEC. 3. *Purposes and Objectives.* – It is the purpose, intent and objective of this Act to:

1. Establish the legal framework and mechanisms for the creation of the Agno River Basin Development Authority;
2. Consolidate and harmonize all development initiatives within the river-basin under the over-all framework of a unified river-basin management and development approach;
3. Maximize the participation of all stakeholders in the area, establishing the most effective approach to effect an active and sustainable collaboration among stakeholders from government agencies, non-government agencies/peoples' organizations and the private sector;
4. Promote equitable sharing of costs and benefits from the Basin's natural resources across sectors, groups of communities, across space and time; and
5. Negotiate local and external investment in the area, thereby increasing livelihood opportunities for the people within the Basin.

SEC. 4. *Creation of the Agno River Basin Development Authority.*

For the purpose of carrying out and effecting the declared policy, there is hereby created under the Office of the President, the Agno River Basin Development Authority, hereinafter referred to as the Authority, to carry out an integrated and coordinated approach to planning and management of resources utilization and development within the Basin. The Authority which shall be organized within one hundred twenty days (120) after the approval of this Act, shall execute the powers and functions herein vested and conferred upon it in such a manner as will, in its judgment, aid to the fullest possible extent in carrying out the aims and purposes set forth.

SEC. 5. *Mandate.*- The Authority shall be the primary government agency mandated to coordinate all development activities in coordination with appropriate government agencies/non-government agencies/people's organizations within the Agno River Basin. It shall ensure an integrated approach to planning and management of resources utilization and development on a basin-wide scale, cutting across politico-administrative limits, and with due regard to the rights of indigenous peoples/indigenous cultural communities over their ancestral lands and ancestral domains under the Indigenous People's Rights Act of 1997 and its attendant Rules and Regulations as may be appropriate.

SEC. 6. *Jurisdiction.*- The Authority shall have jurisdiction over all the areas within the watershed of the Agno River with origin from its headwater in Mt. Data, Mountain Province to its main mouth at Lingayen Gulf. The Agno River watershed includes 65 municipalities and 5 cities within the provinces of Benguet, Mountain Province and Ifugao in CAR, the province of Pangasinan in Region I, the province of Nueva Vizcaya in Region II, and the provinces of Tarlac and Nueva Ecija in Region III.

SEC. 7. *Location of Principal Office.*- The Authority shall maintain its principal office at the most strategically located place, but it may have branch offices in other places as are necessary for the proper conduct of its business.

SEC. 8. *Special Functions.*- To effectively realize its objectives, the Authority shall exercise and perform the following powers and functions:

- a. To prepare, review, evaluate and update the Agno River Basin Comprehensive Master Plan (ARBMP) in the interest of the Regional Development Plans of RDC CAR, RDC I, RDC II and RDC III and other area and sectoral plans as basis for proposing improvements in existing policies governing the protection, preservation, management and development of resources within the basin through legislation or other appropriate executive

measures: In addition, the Agno River Basin Development Authority shall recommend to the President and Congress of the Philippines matters that may require executive directives and congressional legislation in support of the objectives of the ARBMP:

- b. To spearhead the coordination of inter-agency activities within its jurisdiction in the implementation of the ARMBP;
- c. To provide the machinery for extending the necessary technical assistance to local government units, line agencies, public corporations, the private sector and affected indigenous cultural communities/indigenous peoples in planning for development projects that have an over-all impact upon the utilization and management of resources within the Agno River Basin;
- d. To provide the machinery for extending the necessary technical assistance for the maintenance, repair and rehabilitation, as may be necessary, of the Binga Dam, Ambuclao Dam and San Roque Multi-Purpose Dam, including the resolution of problems on siltation and flooding;
- e. To establish a functional basin information and database system, including computer-generated planning tools such as GIS for use

by planners, managers, technical personnel and the general public in collaboration with other GIS/MIS systems to encourage the mutually beneficial sharing of data.

- f. To commission or undertake integrated studies, researches and other such undertakings to determine appropriate measures to carry out the development of the River Basin and to generate inputs in support to policy decisions.
- g. To coordinate the integration of all proposed plans, programs and projects of the local government units, line agencies, public corporations and the private sector where such plans, programs and/or projects are related to those of the Authority for the sustainable development of the Basin;
- h. To coordinate and monitor all planning, studies, design and implementation of various programs and projects for the development of the Agno River Basin to ensure that water resources are not depleted and are developed and utilized in a sustainable, equitable and economical manner.
- i. To initiate, receive and recommend project proposals for the development, conservation and management of the basin's water resources;

- j. To receive grants, donations and other forms of development assistance in the discharge of its duties;
- k. To coordinate with existing governmental agencies in establishing water quality standards for industrial, agricultural and municipal waste discharges into the river and to cooperate with said existing agencies in enforcing such standards;
- l. To undertake studies on the improvement and maintenance of the desirable river water quality and in pursuance thereof, prepare a water quality management program on a continuing basis in coordination with relevant agencies, which the Authority shall carry out with the assistance and support of all national and local government units involved in water quality management;
- m. To provide assistance in arbitrating the resolution of inter-regional disputes/conflicts on water;
- n. To plan, program and or undertake infrastructure projects such as river, flood, waste water and sewerage works, water supply, roads, irrigation, housing and related works when so required within the context of its development plans and programs including the readjustment, relocations or settlement by population within the

Basin as may be deemed necessary and beneficial by the Authority;

- o. To call upon any government agency, office or bureau for assistance in the discharge of its functions and responsibilities;
- p. To create/exercise such other powers and functions as may be necessary, proper or incidental in the attainment of its mandate.

CHAPTER II

SEC. 9. *The Corporate Powers of the Authority.*- The Authority shall have the following corporate powers:

- a) To succeed on its corporate name;
- b) To sue and be sued in such corporate name;
- c) To adopt, alter and use a corporate seal;
- d) To adopt, amend and repeal its by-laws;
- e) To undertake activities that will explore, exploit, extract and develop the economic potentials of the Agno River Basin in ways that are environmentally friendly and non-competitive with the private sector;
- f) To enter into contracts of any kind and description, to enable it to carry out its purpose and functions under this Act;

- g) To acquire, buy, purchase, hold or lease, such personal and real property as it deems necessary or convenient in the transaction of its business and/or in relation with carrying out its purposes under this Act; and to lease, mortgage, sell, alienate or otherwise encumber, utilize, exploit or dispose any such personal and real property held by it, subject to prior or existing individual or communal right of private parties or of the government or any agency or enterprise thereof;
- h) To exercise the right of eminent domain whenever the Authority deems it necessary for the attainment of the objectives of the Authority under this Act;
- i) To borrow funds from any local or foreign financial institutions to carry out the purposes of this Authority under this Act;
- j) To issue such rules and regulations as may be necessary to effectively carry out the powers and purposes herein provided including plans, programs and projects of the Authority, subject to the approval of the Office of the President/or agencies supervising government corporations.
- k) For carrying on its business, or for the purpose of attaining or furthering any of its objectives, to perform any and all acts which a

corporation, co-partnership, or natural person is authorized to perform under the laws now existing or which may be enacted hereafter.

CHAPTER III

SEC. 10. *Organizational Structure.*- The Authority shall have a Board of Directors who shall elect among themselves a Chairperson to serve for a term of three years. The Board of Directors shall be supported by a fully-staffed Management Office.

SEC. 11. *Board of Directors.*- The corporate powers of the Authority shall be vested in and exercised by a Board of Directors which shall be composed of the following:

- a) One (1) representative from the Office of the President;
- b) Regional Directors of the National Economic Development Authority (NEDA) of Regions CAR, I, II and Region III;
- c) Regional Director of the Philippine National Police (PNP) of Regions CAR, I, II and III;
- d) Regional Directors of the Department of Public Works and Highways (DPWH) of Regions CAR, I, II and III;

- e) Regional Directors of the Department of Tourism (DOT) of Regions CAR, I, II and III;
- f) The Executive Director of the National Water Resources Board;
- g) The governors of the provinces of Benguet, Pangasinan and Tarlac;
- h) Three representatives from the non-government organizations, each from Regions CAR, I, II and Region III;
- i) Head of Management Office of the Authority

SEC. 12. *Per Diem.*- The members of the Board shall receive, for every meeting actually attended a per diem of five hundred pesos (P500.00): Provided, That in no case shall the amount received by each Member exceed the sum of two thousand pesos (P2,000.00) per month. Members of the Board shall be reimbursed by the Authority for actual expenses, including traveling and representation expenses, incurred in the performance of their duties for the Authority as authorized by the Board.

SEC. 13. *Powers and Functions of the Board.*- The Board of Directors of the Authority shall have the following powers, functions and duties:

- a. To prepare and approve a ten (10) year and a five (5) year development plan, review and expedite the execution of these plans when necessary;
- b. To assume all the powers, functions and authority of the Philippine Ports Authority, the Fisheries Commission and other agencies of the government relative to the inland port, mangroves, river control, fishponds and other areas which may affect any projected development of the inland port of Regions CAR, I, II and III;
- c. To design, approve and execute specific policies and programs for the collection of wharfage fees, harbor fees, cargo fees, arrastre fees, permit fees, and other fees for the establishment of tourism infrastructures and to treat these funds as trust funds which would be plowed back to the infrastructure and development needs of the Agno River Basin;
- d. To prepare, approve and promulgate guidelines, standards, rules and regulations in order to encourage, and stimulate the growth and development of shipping, commerce, trade, tourism, and infrastructure development within the area of operation of the Authority;

- e. To approve contracts such as leases, memoranda of agreements and other arrangements as long as it will promote shipping, tourism, and the growth of business and industry in Regions CAR, I, II and III;
- f. To receive local or foreign aid and donations as well as to engage in any form of fund raising for the purpose of gathering development funds for the projects along Agno River Basin;
- g. To approve a lean and efficient organizational structure, and budget for the Authority after consultation with the concerned sectors;
- h. To appoint and discipline any employee, after according them due process in accordance with existing laws, together with rules and regulations of the Civil Service Commission;
- i. To elect from among the members of the Board of Directors the following Executive Officers: 1) President/Chairman of the Board, 2) Vice-Pres./Vice-Chairman of the Board, 3) Secretary: *Provided*, That, the Board shall likewise have the corresponding power to replace any of these officials after incurring 3 consecutive absences in the meetings of the board or for acts prejudicial to the objectives of the Authority;

- j. To screen and approve the appointment of the following: General Manager, Assistant General Manager, Treasurer, Administrative Officer, Planning and Management Officer, Budget and Finance Officer, Legal Officer, Project Management Officer, Engineering and Construction Officer;
- k. To request a periodic or special audit of all its funds and properties from the Commission on Audit when the need arises;
- l. To adopt a seal and flag, determine the exact location of its office preferably near its area of operation, and adopt its own rules and proceedings in meetings and general assemblies in accordance with the standards of transparency and democratic parliamentary procedures;
- m. To exercise such powers and perform such functions which are proper and necessary to implement the objectives of the Authority and to carry out the provisions of this Act.

SEC. 14. *Terms of Office of the General Manager.*- The general manager of the Authority shall serve for a fixed term of four (4) years, unless removed from office by a vote of two-thirds of the Board of Directors.

SEC. 15. *Residence and Prohibition.* The General Manager shall, if practicable, establish his residence within the nearest area where the Agno River Principal's office is established. He shall not, during his tenure of office, engage in any business, profession, or calling other than those connected with the performance of his official duties as the General Manager of the Authority.

SEC. 16. *Powers and Duties of the General Manager.* the General Manager shall have the following powers and functions:

- a. Submit, for consideration of the Board, the policies and measures necessary to carry out the purposes and provisions of this Act;
- b. Execute and administer the policies, plans, programs and projects approved by the Board;
- c. Direct and supervise the operation and internal administration of the Authority. The General Manager may delegate some of his administrative responsibilities to other officers of the Authority subject to the rules and regulations of the Board;
- d. Prepare the annual budget of the Authority for consideration of the Board;

- e. Submit, within thirty (30) days after the close of each fiscal year, an annual report to the board and such other reports as may be required; and
- f. Exercise such other powers as may be vested in him by the Board.
- g. Effect the arrest of any person who violates the provisions of this Act, subject to Article 125 and 126 of the Revised Penal Code and the requirement of due process.

SEC. 17. *Key Officials.*- In carrying out the activities of the Authority, the General Manager shall be assisted by the Assistant General Manager who shall have such powers, duties and functions that may be delegated to him by the General Manager, and shall act as General Manager in the absence of or during the temporary incapacity and/or until such time as a new General Manager is duly appointed.

The Authority shall have the following officers under the direct supervision and control of the General Manager:

- a. An Administrative Officer who shall be responsible for providing services relating to personnel, training, information, records, supplies, general services, equipment, and security;

- b. A Planning and Management Development Officer who shall be responsible for providing services relating to planning, programming, statistics and project development;
- c. A Budget and Finance Officer who shall be responsible for providing staff advice and assistance on budgetary matters and safekeeping of corporate assets;
- d. A Legal Officer who shall represent the Authority in Legal actions and proceedings. The Legal Officer shall be responsible for staff advice and assistance on legal matters;
- e. A Project Management Officer who shall be responsible for the operation of approved projects, project evaluation and management improvement matters;
- f. An Engineering and Construction Officer who shall be responsible for providing services relating to detailed engineering plans and the construction and maintenance of project facilities.

SEC. 18. ***Capitalization.*** - The Authority shall have an authorized capital of Ten Million Pesos (P10,000,000) divided into one million shares (1,000,000) at ten pesos (P10.00) par value which shall be fully subscribed by the Republic of the Philippines and shall be paid out as follows:

- a. The sum of Two Million Pesos (P2,000,000) which is hereby appropriated out of any fund in the National Treasury not otherwise appropriated and from other sources of funds of the National Government which shall be released immediately upon the approval of this Act; and
- b. The sum of One Million pesos (P1,000,000) for each fiscal year thereafter for a period of eight (8) years, from the same sources mentioned in paragraph (a) hereof, which is hereby appropriated for such subsequent years beginning with the third fiscal year following the year of the approval of this Act.

SEC. 19. *Authority Directly Under the Department of Environment and Natural Resources.* - Any provision of law to the contrary notwithstanding, the Authority shall operate as an independent corporation subject only to the supervision of the Department of Environment and Natural Resources.

SEC. 20. *Audit by the Commission on Audit (COA).* - All accounts and expenses of the Authority shall be audited by the Commission on Audit or its duly authorized representative.

SEC. 21. *Prohibited Acts.* - It is hereby declared unlawful:

1. To dump solid and hazardous waste and untreated sewage into the Agno river Basin;
2. To dump or throw garbage into the Agno river or its banks;
3. To squat or appropriate the Agno river banks for private use or gain, except for such reasonable augment of public use in the interest of recreation, navigation, floatage fishing and salonge; and
4. To fence off and/or encroach upon the Agno River Basin or any portion thereof by any means whatsoever, and converting the same into fishpens for their private and material gain; and/or have the same titled in his name.

SEC. 22. *Penal Clause.* - Any person who violates any of the acts herein prohibited shall be punished by imprisonment of not less than six (6) years and one day nor more than eight (8) years, and a fine of not less than Ten Thousand pesos (P10,000) nor more than One Hundred Thousand pesos (P100,000): *Provided, however,* That in case of violation of this Act by an association, club, partnership, corporations, or any entity, the incumbent officers thereof who have knowingly participated in the violation shall be held liable: *Provided, further,* That if the offender is an alien, he shall be immediately deported without further proceedings in the Bureau of

rules and regulations or parts thereof inconsistent with the provisions of this Act are hereby deemed repealed, amended or modified accordingly.

Immigration and barred forever from entering the country after serving his sentence and paying his fine.

SEC. 23. *Bar of Suit.*- During the pendency of any legal action before the Authority, no court other than the Supreme Court shall take cognizance of any cause touching the same subject, without leave of the Authority.

SEC. 24. *Finality of Orders and Appeals.* - The orders of the Authority shall become final and executory after the lapse of fifteen (15) days from the date of receipt thereof. An appeal therefrom may be taken within the fifteen (15) day period only to the Supreme Court.

SEC. 25. *Transitory Provisions.*- All concerned offices, bureaus, agencies having existing programs and projects in the Agno River Basin that directly corresponds with the powers and functions described in Section 8 of this Act shall immediately transfer such including corresponding appropriations, funds, records, equipments, facilities, rights, other assets and personnel to the Authority within sixty (60) days after the effectivity of this Act.

SEC. 26. *Repealing Clause.* - All laws, decrees, executive issuances, rules and regulations or parts thereof inconsistent with the provisions of this Act are hereby deemed repealed, amended or modified accordingly.

SEC. 27. *Separability Clause.*- If for any cause, any part of this Act is declared unconstitutional, the rest of the provisions not affected thereby shall remain in force and effect.

SEC. 28. *Effectivity.* - This Act shall take effect after fifteen (15) days following the completion of its publication in the Official Gazette or in a newspaper of general circulation whichever comes earlier.

Approved,