

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

THIRTEENTH CONGRESS
First Regular Session

House Bill No. 2549

INTRODUCED BY HON. ERICO BASILIO A. FABIAN

EXPLANATORY NOTE

This Bill creates the Zamboanga City River Development Authority, with the function of preserving, protecting, managing, and developing all the rivers, river systems, and natural waterways within the city.

It was originally filed as H.B. No. 4767 on May 8, 2002 by former Zamboanga City Representative Celso L. Lobregat. The Bill was referred to the Committee on Government Enterprises and Privatization, where it was pending upon adjournment of the 12th Congress.

This Bill aims to centralize in one independent government agency the responsibility of taking charge of all the city's rivers and waterways, for the purpose of managing and developing them with the end in view of securing their permanent and rational utilization.

There are seven major rivers in Zamboanga City situated and running in the barangays of Vitali, Curuan, Bolong, Manicahan, Culianan, Tumaga, and Ayala. The joint efforts between the private and public sectors to at least keep the rivers clean and obstruction-free are laudable. But for the long term, what is required is an independent office which shall be tasked to address the preservation and development of the city's rivers and natural waterways on a permanent and consistent basis. This may be achieved with the creation of the Zamboanga City River Development Authority, as herein proposed.

In view of the foregoing, approval of this Bill is requested.

ERICO BASILIO A. FABIAN
Zamboanga City



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AN ACT
CREATING THE ZAMBOANGA CITY RIVER DEVELOPMENT AUTHORITY FOR
THE PRESERVATION, PROTECTION, AND DEVELOPMENT OF ALL RIVERS,
RIVER SYSTEMS, AND NATURAL WATERWAYS WITHIN THE CITY'S
JURISDICTION, DEFINING ITS POWERS AND FUNCTIONS, AND APPROPRIATING
FUNDS THEREFOR.

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

SECTION 1. Creation of the Authority. There is hereby created a body corporate to be known as the Zamboanga City River Development Authority, hereinafter referred to as the Authority, which shall be responsible for the preservation, protection, management, and development of all rivers, river systems, and natural waterways within the city's jurisdiction.

Sec. 2. Principal Office. The principal office of the Authority shall be in Zamboanga City.

Sec. 3. Purposes and Functions. The Authority shall have the following purposes and functions:

- a) To prepare a master plan to preserve, protect, develop and exploit all rivers, rivers systems, and natural waterways in Zamboanga City;
- b) To conduct engineering surveys of rivers, river systems and natural waterways, monitoring of water quality, pinpointing pollution

sources, and identifying the rivers that need to be developed for exploitation, or rehabilitation;

- c) To initiate and facilitate planning, implementation, monitoring and evaluation of pertinent projects with positive impact on environment and development, including dredging and deepening of river channels and improvement of river alignments;
- d) To prioritize rivers positively identified for development and rehabilitation and on the basis thereof, prepare a river-specific plan of operation for their development and rehabilitation, and the general improvement of environmentally degraded rivers;
- e) To initiate funding arrangements with local and foreign donors, including fund raising, to finance priority development projects and provide direct funding of minor initiatives expected to create a positive impact on the environment in the projected area;
- f) To develop information materials to ensure a high degree of environmental awareness in government agencies, organizations, and the general public;
- g) To make recommendations to the proper agencies offering financial support, technical and physical assistance about the level of priority to be accorded river systems development and rehabilitation projects;
- h) To coordinate and integrate such projects or operations of local governments, government agencies, public corporations and, where clearly necessary and feasible, those of private entities, as will bear directly upon the plans and activities of the Authority so as to make possible the accelerated and intensive development and rehabilitation of the rivers, river systems and natural waterways in the city within the context of the master plan, and to set up a well-trained staff for effective liaison and consultation or joint

planning and implementation with such government and private entities;

- i) To submit an annual report to Congress on its activities including those done in collaboration with the various government and private entities engaged in the implementation of the projects and programs.

Sec. 4. **Corporate Powers.** The Authority shall exercise the following powers and authorities:

- a) To sue and be sued;
- b) To adopt, alter and use a corporate seal;
- c) To undertake the programs and projects specified in Section 3 hereof;
- d) To engage in agricultural, industrial and commercial or other activities necessary or proper in the preservation, management, or development of the city's rivers, river systems, and natural waterways, and for this purpose, whether by itself or in cooperation with private persons or entities, to organize, finance, invest in, and operate subsidiary corporations;
- e) To invest in or otherwise acquire, own, hold, use, operate, sell, assign, transfer, exchange, mortgage, pledge, lease, develop or otherwise deal in, properties of every kind and description, including shares of stock, bonds, debentures, notes, evidence or indebtedness, and other securities;
- f) To exercise the right of eminent domain or acquire by purchase privately-owned land within the area for purposes of implementing the projects of the Authority;
- g) To borrow funds from any local or foreign financial institutions independent of the bonds it may issue to carry out the purposes of the Authority;
- h) To acquire, lease or own properties or assets in whatever form, and serve as the custodian of such properties or assets, real or movable, and sell

or otherwise dispose of the same as the Authority may deem it necessary in the pursuit of its aims, objectives and purposes;

- i) To lend or facilitate the extension of financial assistance and/or act as surety or guarantor to viable agricultural, industrial and commercial enterprises or activities related to the purposes of the Authority;
- j) To accept grants, donations, gifts, bequests, funds and/or properties in whatever form and whatever source, and administer the same in accordance with the terms thereof, or in the absence of any condition, in such manner consistent with the policy, aims and objectives of the Authority as provided for in this Act;
- k) To enter into contracts of any kind and description to enable it to carry out its purposes and objectives;
- l) To issue such rules and regulations as may be necessary to effectively carry out the powers and purposes herein provided, including the plans, programs and projects of the Authority, the same to take effect thirty (30) days after publication thereof in a newspaper based and of general circulation in, Zamboanga City; and
- m) For the purposes of attaining or in furtherance of any of its objectives, to perform any and all acts which a corporation is authorized to perform under laws existing or which may be enacted hereafter.

Sec. 5. **Governing Body.** The corporate powers and functions of the Authority shall be exercised by a Board of Directors, composed of nine (9) members as follows:

- a) The Mayor of Zamboanga City as Chairman
- b) The River Administrator as Vice Chairman
- c) The City's two House Representatives
- d) The City Engineer
- e) A member of the Sangguniang Panlungsod

- f) The Community Environment and Natural Resources Officer (CENRO) assigned in Zamboanga City
- g) Two representatives from the private sector.

The River Administrator shall be appointed by the City Mayor, to be confirmed by the Sangguniang Panlungsod. He shall also sit as Vice Chairman of the Board and shall have the same term, qualifications and compensation as that of the City Administrator. The two private sector representatives shall be appointed by the City Mayor for a term of three (3) years without re-appointment. Each must be a natural-born Filipino citizen and a resident of Zamboanga City for at least ten (10) years prior to his appointment. The representative of the Sangguniang Panglungsod shall be the chairman of its committee on environment or its equivalent.

Sec. 6. **Board Powers.** The Board shall have the following powers and functions:

- a) To formulate, prescribe, amend, and repeal the rules and regulations to govern the conduct of operation of the Authority;
- b) To appoint the necessary staff of the Authority and to fix their compensation in accordance with existing laws;
- c) To suspend, remove or otherwise discipline for just cause any staff member appointed by the Board;
- d) To recommend the annual and/or supplemental budgets of the Authority;
- e) To render annual reports to Congress, and such special reports as may be necessary or requested;
- f) To do other acts and perform other functions as may be necessary or proper to carry out the provisions of this Act.

Sec. 7. **Quorum/Per Diems.** The presence of five members of the Board shall be required to constitute a quorum, provided, that both or either the Chairman or the River Administrator shall be present in all Board meetings. The Board shall receive reasonable per diems for every Board meeting actually attended, to be fixed by the Sangguniang Panlungsod. All meetings of the Board shall be held in Zamboanga City.

Sec. 8. **The River Administrator.** The River Administrator shall be the chief executive of the Authority, and as such, he shall have the following powers and functions:

- a) Submit, for the consideration of the Board, the policies and measures which he believes to be necessary or proper 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. He may delegate some of his administrative responsibilities to other officers of the Authority subject to the prior approval of the Board;
- d) Prepare the annual budget of the Authority for the 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;
- f) Exercise such other powers as may be vested in him by the Board.

Sec. 9. **Capitalization.** The Authority shall have an authorized capital of One Hundred Million (P100,000,000.00) Pesos, divided into 100 million shares with a par value of P1.00 per share, which shall be fully subscribed and paid for by the National Government, provided, that at least P25,000,000.00 thereof shall be fully paid in

within 120 days from the effectivity of this Act. Such amounts as may be necessary to maintain the operations of the Authority shall be appropriated yearly in the General Appropriations Act.

Sec. 10. **Tax Exemption.** The Authority, including its subsidiaries, if any, shall be fully exempt from all kinds of taxes, local or national, including but not limited to, income taxes, franchise taxes, value added taxes, transfer taxes, sales taxes, realty taxes, import duties and taxes, licenses, fees, charges, permits, and all kinds of impositions, whether of the national or local government.

Sec. 11. **Repealing Clause.** All laws, decrees, orders, rules and regulations or parts thereof inconsistent with the provisions of this Act are hereby repealed or amended accordingly.

Sec. 12. **Auditing.** The Commission on Audit shall appoint a representative who shall be full-time auditor of the Authority. The commission may also assign to the Authority such number of personnel as may be necessary to assist its representative, and their salaries shall be in accordance with existing laws, rules, and regulations.

Sec. 13. **Effectivity.** This Act shall take effect upon its publication in one national newspaper of general circulation and in one newspaper published and of general circulation in Zamboanga City.

Approved.