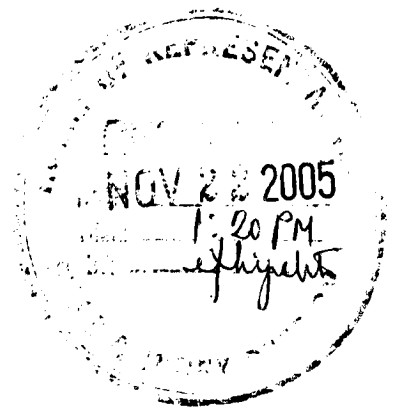


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

Thirteenth Congress
Second Regular Session

House Bill No: 4925



Introduced by: Congressman Florencio T. Miraflores, Lone District of Aklan

EXPLANATORY NOTE

This bill seeks to establish the Aklan Rivers Development Council and for other purposes. This proposal was passed on third reading in the Twelfth Congress but got stalled in the Senate.

The Aklan, Ibajay, Tangalan, Ja-o and Talon Rivers in the Province of Aklan are major waterways that contributed and continues to contribute to the development of the province. These rivers provide the Aklanons with the means to transport their goods to the market centers, irrigate their farms, and carry out other productive endeavors. Life sustaining is then an understatement to describe the functions provided by these rivers. These waterways may not be catalysts like the Nile and Yang-Tze Rivers were to the history's cradles of civilization, but they are as critical to the Aklanon's pursuit of development as these historic rivers were.

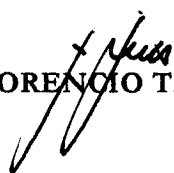
Cognizant of the vital function the major rivers perform for the people, there is now a collective resolve among the Aklanons to address the long term ecological sustainability of these water systems. With the present condition of the Pasig River in mind, there is a strong sentiment among the Aklanons that they need to act today to preserve and protect the rivers of Aklan for the next generation to come.

The need to balance development needs with ecological concerns is an issue that needs to be addressed. Water for irrigation and industrial use, quarrying for construction materials and indiscriminate dumping of wastes into these rivers are some of the critical issues that are waiting to be properly attended to. With one or two of these rivers experiencing heavy erosions, a wholistic approach to stem the destruction is in order. A multi-stakeholder approach where government, the communities served and nongovernment organizations can team up to enhance the ecological conditions of these rivers is ideal.

This is the rationale for this proposal. It is not just the government's responsibility to see to it that the rivers are protected but also that of the larger public. While the government can provide the regulatory muscle and exercise state power to protect, the rivers can be all the more ecologically enhanced if a broader sector of society are contributing towards the collective goals.

The lessons of history are important to be followed. Nature can exact revenge if there is wanton abuse. This, the Aklanons must bear in mind.

In view of the foregoing premises, approval of this measure is earnestly sought.


FLORENCIO T. MIRAFLORES

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Thirteenth Congress
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House Bill No: 4925

Introduced by: Congressman Florencio T. Miraflores, Lone District of Aklan

AN ACT PROVIDING FOR THE DEVELOPMENT OF THE AKLAN, IBAJAY,
TANGALAN, JAL-O AND TALON RIVERS IN THE PROVINCE OF AKLAN,
ESTABLISHING THE AKLAN RIVERS DEVELOPMENT COUNCIL, 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 "Aklan Rivers System Act of 2006".

SEC. 2. *Statement of Policy.* - It is the policy of the State to protect and promote the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature. Towards this end, the State shall ensure the protection and rehabilitation of the major rivers and waterways used in the movement of people and goods and which provide essential fresh water for domestic and agricultural uses in the Province of Aklan.

SEC. 3. *Coverage.* - For purposes of this Act, the Aklan, Ibajay, Tangalan, Jal-o and Talon Rivers in the Province of Aklan shall be known as the Aklan Rivers System.

SEC. 4. *Creation of the Aklan Rivers Development Council.* - There is hereby created the Aklan Rivers Development Council (ARDC) referred hereinafter as the Council, which shall be under the direct supervision and control of the provincial governor of the Province of Aklan. The Council shall formulate and implement a program for the rehabilitation and development of the Aklan Rivers System.

SEC. 5. *Composition.* - The Council shall be composed of the following members:

- (1) Governor of the Province of Aklan as chairman;
- (2) Representative of the Lone Congressional District of Aklan;
- (3) Mayors of the municipalities of Kalibo, Numancia, Madalag, Banga, Lezo, Libacao, Malinao, Ibajay, Tangalan, New Washington, Makato, Nabas, Buruanga, Batan, Altavas, Balete and Malay;
- (4) The provincial environment and natural resources officer;
- (5) The community environment and natural resources officer in Kalibo;
- (6) The Aklan Provincial Director, Philippine National Police;
- (7) The District Engineer, Department of Public Works and Highways (DPWH);
- (8) The provincial head of the National Irrigation Administration in Aklan (NIA);
- (9) The President of the association of local water districts; and
- (10) Three (3) representatives from nongovernment organizations involved in environmental preservation and conservation.

SEC. 6. *Powers and Functions.* - The Council shall exercise the following powers and functions:

- (a) Adopt rules, policies and guidelines, and submit recommendations to concerned agencies for the conservation and development of the Aklan Rivers System;
- (b) Formulate a comprehensive, short-, medium-, and long-term plans for the development and rehabilitation of the Aklan Rivers System;
- (c) Conduct surveys and studies on the state and status of the Aklan Rivers System;
- (d) Review existing laws, policies, rules and regulations issued by offices and agencies of the national government and the local government units concerned related to the development of the Aklan Rivers System and shall act as the highest consultative body for the development and utilization of the Aklan Rivers System;

- (e) Direct the implementation of projects pursuant to the development plan for the Aklan Rivers System;
- (f) Initiate programs and activities that promote and enhance the rehabilitation, improvement and productive utilization of the Aklan Rivers System;
- (g) Provide incentives and develop schemes that create public awareness and encourage private sector participation in the implementation of the development plan for the Aklan Rivers System;
- (h) Institute closure proceedings against establishments violating existing environmental laws to the detriment of the Aklan Rivers System;
- (i) Coordinate the efforts of environmental groups committed to the rehabilitation of the Aklan Rivers System;
- (j) Establish a Special Task Force to be headed by the Executive Director of the Secretariat, in coordination with the Department of Environment and Natural Resources (DENR), DPWH and Local Government Units (LGUs) within its jurisdiction, that shall conduct river patrols in the Aklan Rivers System;
- (k) Deputize any government agency in furtherance of the objectives of this Act;
- (l) Recommend measures to Congress to enhance the development of the Aklan Rivers System; and
- (m) Impose fees and charges and issue rules and limitations on resource utilization of the Aklan Rivers System.

SEC. 7. *Meetings.* - The Council shall meet regularly once a month or upon the call of its chairman or the written request of any three (3) of its members:

A majority of the members of the Council shall constitute a quorum.

SEC. 8. *Secretariat.* - There shall be created a council secretariat under the control and supervision of the Council to be headed by an executive director, who shall be chosen every four (4) years by the Council. The council secretariat shall have the following functions:

- (a) Act as the administrative body that shall take charge of the day-to-day operations of the Council;
- (b) Collate or undertake plans, researches and policy development activities relating to the conservation of the Aklan Rivers System;
- (c) Coordinate with all government agencies, instrumentalities and nongovernment organizations in the implementation and management of programs and projects affecting the Aklan Rivers System to ensure the preservation, conservation, ecological development and utilization of the same; and
- (d) Perform such other functions as may be directed by the Council.

SEC. 9. *Funding and Fiscal Operation.* - The Council is hereby allowed to raise funds from all sources, public or private, necessary to defray expenses for its operations and activities, including the imposition of reasonable fees and charges in the resource utilization of the Aklan Rivers System.

SEC. 10. *Separability Clause.* - All laws, decrees, orders, rules or regulations, which are inconsistent with or contrary to the provisions of this Act, are hereby amended or repealed accordingly.

SEC. 11. *Effectivity.* - This Act shall take effect immediately upon its approval.

Approved,