

FIFTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)

HOUSE OF REPRESENTATIVES

House Bill No. 3561

Introduced by Representative **DANILO RAMON S. FERNANDEZ**

AN ACT
AMENDING CERTAIN PROVISIONS OF THE REPUBLIC ACT NUMBER 9275,
OTHERWISE KNOWN AS THE PHILIPPINE CLEAN WATER ACT OF 2004

EXPLANATORY NOTE

The *Area Water Quality Management Fund* (AWQMF) was established by Section 10 of Republic Act No. 9275 otherwise known as the Philippine Clean Water Act of 2004 for the “*maintenance and upkeep of the water bodies in a water quality management area (WQMA)... This fund shall be managed by the board of the corresponding management area.*”

The creation of the fund is meant to give flexibility to the governing board and ease of access to resources in addressing the maintenance and upkeep of the water bodies in their jurisdiction. As it stands now, however, the provision on AWQMF has not been implemented because of the necessity of certain operational requirements that at hindsight could only be provided by an enabling law.

This bill introduces amendments to Republic Act No. 9275, specifically affecting the AWQMF, in order to give explicit life to the spirit of the relevant provisions.

Clarifying the status of the WQMA as a body corporate and AWQMF as a revolving fund shall eliminate the issues that have been plaguing and hindering the implementation of Section 10 of Republic Act No. 9275.

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



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

SECTION 1. Section 5 of the Republic Act No. 9275 is hereby amended to read as follows:

“SECTION 5. Water Quality Management Area. — The Department, THROUGH THE ENVIRONMENTAL MANAGEMENT BUREAU (EMB), in coordination with National Water Resources Board (NWRB), shall designate certain areas as water quality management areas using appropriate physiographic units such as watershed, river basins or water resources regions. Said management areas shall have similar hydrological, hydrogeological, meteorological or geographic conditions which affect the physicochemical, biological and bacteriological reactions and diffusions of pollutants in the water bodies, or otherwise share common interest or face similar development programs, prospects, or problems.

EACH [Said] management area shall be governed by a governing board composed of representatives of mayors and governors of member local government units (LGUs), and representatives of relevant national government agencies, duly registered nongovernmental organization, water utility sector, ACADEME, and business sector. The [~~Department-representative~~] EMB REGIONAL DIRECTOR shall chair the governing board. In the case of the LGUs with memberships on more than one (1) management board, the LGU shall designate only one (1) single representative for all the management areas where it is a member.

The governing board shall formulate strategies to coordinate policies necessary for the effective implementation of this Act in accordance with those established in the framework and monitor the compliance with the action plan.

EACH WATER QUALITY MANAGEMENT AREA SHALL PERFORM ITS POWERS AND FUNCTIONS AS A BODY CORPORATE, AND SHALL

MAINTAIN ITS RESPECTIVE PRINCIPAL OFFICE WITHIN THE LOCATION OF THE WATER QUALITY MANAGEMENT AREA BEING ADMINISTERED.

x x x"

SEC 2. Section 10 thereof is also amended to read as follows:

"SEC. 10. The Area Water Quality Management Fund. The area water quality management fund is hereby established for the maintenance and upkeep of the water bodies in a water quality management area. The fund shall be utilized for the grant of rewards and incentives for entities whose effluent discharges are better than the water quality criteria of the target classification of the receiving body of water, loans for acquisitions and repairs of facilities to reduce quantity and improve quality of wastewater discharges, and regular maintenance of the water bodies within the management area.

THE FUND SHALL BE A REVOLVING ACCOUNT WHICH SHALL BE RETAINED IN THE WATER QUALITY MANAGEMENT AREA AND MADE AVAILABLE TO SERVE ITS OBJECTIVES AS SO STATED UNDER THE IMMEDIATELY PRECEDING PARAGRAPH. FOR THIS PURPOSE, AS AN EXEMPTION TO SECTION 44, CHAPTER 5, BOOK VI OF E.O. NO. 292 AND SECTION 65 OF P.D. NO. 1445, ALL FEES, CHARGES AND OTHER INCOME ACCRUING TO THE FUND BY VIRTUE OF THIS ACT AND ITS RULES AND REGULATIONS SHALL NOT BE DEPOSITED IN THE NATIONAL TREASURY.

x x x"

Disbursements from the fund shall be subject to the usual accounting and budgeting rules and regulations. [~~This fund shall be managed by the Board of the corresponding management area.~~]

SEC. 3. This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

SEC. 4. All laws, decrees, executive orders, administrative orders, proclamations, rules and regulations or parts thereof contrary to or inconsistent with the provisions of this act are hereby repealed or modified accordingly.