

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. 4938

Introduced by Hon. ANGELO B. PALMONES

AN ACT
TO BAN THE CONSTRUCTION OF HOUSES ALONG RIVER BANKS, WATERWAYS AND BANKS
OF INLAND WATERS AND FOR OTHER PURPOSES

EXPLANATORY NOTE

On June 29, 2011 disaster visited the Matina area of Davao City and surrounding barangays specifically Matina Pangi, Matina Aplaya, Matina Balusong, Bangkal and Talomo following a 3-hour downpour that started late July 28, 2011 causing flash floods. Davao City Mayor Sara Duterte said that as of June 28, 2011 15 people are still missing while 25 were confirmed dead. A total of 40 houses were washed away by the flash floods and more than 100,000 were affected by the flooding. The estimated cost of damage to property amounted to about P40 million¹.

In a radio interview in the morning of June 30, 2011 Mayor Duterte stated that most of those affected had their houses built along the waterways.

In 1991 a bigger disaster occurred in Ormoc City in Leyte. On November 5, to 6, 1991 typhoon Uring triggered heavy downpour with as much as 140.2 mm in a period of 24 hours. The usually high and intense rainfall triggered landslides in several areas in the upper slopes of the watershed of the Anilao River coupled by the relatively steep slopes of the watershed (approximately 10%) increased the sudden rush of floodwaters aggravating the destruction as it moves along Anilao river.

A study was organized on the causes of the Ormoc disaster by the Department of Science and Technology in November 1991 immediately after the floods². One of its findings was that squatters that had encroached into and built their houses along the riverbanks of Anilao River partially constricted the pathway of the water. This accumulated debris along the river temporarily damming the rushing flood waters. When eventually the dam broke

¹ Edith Regalado. 2011. 25 drown in Davao floods. The Philippine Star, June 30, 2011.

² Ricardo Gloria. 1991. Assessment Report of Ormoc.

the flood waters carried with it the houses along the riverbanks. This caused the death of more than 8,000 persons.

One of their recommendations is the immediate implementation of a more stringent urban zoning and land use plans.

The construction of houses along river banks and on the banks of inland waters which expose them to being washed away during floods and causing the loss of lives and properties cannot happen without the permission from Local Government Units (LGUs). Or the LGUs have been negligent in performing their duties and failed to implement local zoning or land use plans.

To avoid unnecessary loss of lives and properties during natural disasters such as flashfloods and inundation of disaster prone areas is the banning of the construction of houses, buildings and other infrastructures along waterways and banks of inland bodies of water and imposing penalty to authorities who do not implement this ban.

Furthermore, Presidential Decree (PD) 705 provides that twenty-meter strips of land along the edge of the normal high waterline of rivers and streams with channels of at least five (5) meters wide shall not be classified as alienable or disposable³.

The passage of this Act will highly contribute to disaster management and prevent loss of lives and properties.



ANGELO B. PALMONES
Representative, AGHAM Party List

³ Presidential Decree (PD) No. 705. 1975. Revised Forestry Code of the Philippines.

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INTRODUCED BY REPRESENTATIVE ANGELO B. PALMONES

AN ACT TO BAN THE CONSTRUCTION OF HOUSES ALONG RIVER BANKS, WATERWAYS AND BANKS OF INLAND WATERS AND FOR OTHER PURPOSES

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

SECTION 1. Title. This Act shall be known as the **Housing Ban Along Riverbanks Act of 2011.**

SECTION 2. Declaration of Policy. It is the policy of the State to protect the people from natural and man-made disasters and to implement laws to achieve such purpose. One way to do this is to take the potential victims from harms way by preventing them from subjecting themselves to probable risks such as building their houses along the path of floodwaters.

SECTION 3. Ban on the construction of houses along riverbanks, waterways and bodies of inland waters – The construction of houses within 10 meters from the edge of rivers and bodies of inland waters is hereby prohibited. Existing residential houses within 10 meter from the edge of rivers and bodies of inland waters are ordered for demolition by local government units within a period of 3 years from the approval of this Act.

SECTION 4. Penalties – Barangay Chairmen, Municipal Mayors and Provincial Governors shall be jointly liable to penalties if in their jurisdictions there are houses that are built within 10 meters along riverbanks, banks of waterways and banks of inland waters whether or not they issued construction permits or not. They shall be jointly liable to a fine of Fifty Thousand Pesos (PhP 50,000) each or an imprisonment of 6 months or both. Repeated violation of this Act shall be ground for their removal from office.

SECTION 5. Implementing rules and regulations – The Department of Interior and Local Government shall issue within 180 days from the date of approval of this Act, the implementing rules and regulations for this Act.

SECTION 6. Separability clause - Any portion or provision of this Act which may be declared unconstitutional or invalid shall not have the effect of nullifying other portions or provisions hereof.

SECTION 8. Repealing Clause. - All other laws, ordinances, rules, regulations, and other issuances or parts thereof, which are inconsistent with this Act, are hereby repealed or modified accordingly.

SECTION 9. Effectivity Clause - This Act shall take effect immediately after its publication in two (2) Newspapers of general circulation.

Approved.