

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

FIFTEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. 5276

Introduced by:

Gabriela Women's Party Reps. LUZVIMINDA C. ILAGAN and EMMI A. DE JESUS,
Bayan Muna Reps. TEODORO A. CASINO and NERI J. COLMENARES,
Anakpawis Partylist RAFAEL V. MARIANO, ACT Partylist Rep. ANTONIO L. TINIO,
Kabataan Partylist Rep. RAYMOND V. PALATINO and Reps. ISIDRO T. UNGAB (LP),
MA. ANGELICA AMANTE-MATBA (LP), YEVGENY VINCENTE B. EMANO (NP),
MA.CARMEN ZAMORA-APSAY (LP) and JOSE F. ZUBIRI III (Lakas-CMD)

EXPLANATORY NOTE

Mindanao has four major river systems. These are the Mindanao River (better known as the Rio Grande de Mindanao), Agusan River, Davao River and Cagayan de Oro River. With a drainage area of 23,169 square kms., Rio Grande is easily the biggest river system in Mindanao and, with a length of 373 kms., the second longest in the country. Coming next is the Agusan River, the second biggest river system in the island with a drainage area of 10,921 square kms. and the third longest in the country with a length of 350 kms. Next is the Davao River with a drainage area of 1,700 square kms. and length of 160 kms. and the Cagayan de Oro River with a drainage area of 1,521 square kms and a length of more or less 90 kms.¹

¹ Mindanao has scores of rivers but the four river systems mentioned here are the primary. Please note that this bill speaks of river systems which, as defined herein, refer to the totality of natural elements and structures that make up a river system. It covers not only the flowing water but also the headwaters, tributaries, distributaries, estuaries, mouth, drainage areas, deltas, wetlands and watersheds, and the living species that can be found therein. Please see Section 2 of this bill.

Three of these rivers, namely, the Mindanao River, Agusan River and Davao River are highly biologically diverse with their complex network of forest lands and watersheds, aquifers, vegetation and animal species distributed in their variegated topography. They host a combined population of 8 million, almost a third of the total population of Mindanao.

Given their combined drainage areas, population and the natural resources they contain, these four river systems play a very important role in the economic development of Mindanao, particularly in the national thrust that designates the island as the "food basket" of the country.

For centuries, these river systems served their population well as sources of food, household water and livelihood, as structures for natural irrigation, navigation and transportation, and as habitat for human settlement. But at present, though they remain as provident resources for human needs and economic endeavour, establishing contact with them to win life anew every day has become highly risky as these river systems are in various stages of degradation and destruction.

Since the 1960s, with Luzon and Visayas already saturated with investment and development projects, Mindanao has been the destination of choice for the calibrated penetration of foreign and local investments into the country. Especially in the last two decades, investment in Mindanao has accelerated and increased manifold, driven by a new round of liberalization of the national economy under the globalization regime. Some 42 % of the total foreign investments that entered the country in this period flowed into Mindanao. This has triggered waves upon waves of unprecedented massive capital incursions into its forests (logging), agricultural lands (banana, pineapple, palm oil, rubber, and other high value crops expansion), and mineral resources (mining), resulting in dwindling forests, badly damaged watersheds, disrupted aquifers and eroded soil. It is well to note that Mindanao is deforesting at an annual rate of 2.29 % which is significantly higher than the national average. Also, 38 % of its agricultural lands are moderately or severely eroded and, at 40 %, has the highest recorded soil erosion in non-agricultural lands.

On the heels of these massive capital incursions, infrastructure build-up and human settlements have expanded and urbanization spilled into rural areas which added pressure on the island's natural resources and ecological environment, to say nothing of protracted armed conflicts that have rived Mindanao.

All these exacted their toll on the river systems of Mindanao, threatening their natural viability.

With dwindling forests, their drainage areas have become flood basins during rainy seasons, bringing calamities that were previously unheard of in the island such as flash floods in highly populated urban centers like Davao City, Cotabato City and Cagayan de Oro. Watershed destruction, exacerbated by climate change, has caused water level depletion during dry seasons and, together with pollution from human settlements and chemical poisoning from mining, has rendered their waters less safe for human use. Their drainage areas and wetlands are losing their moisture and suffering from soil poisoning brought about by chemical intensive agriculture while their aquifers are withdrawing. Erosion has caused thick siltation that diverts or slows down the course of flux of their waters, making the rivers less navigable. Erosion and export agricultural crops expansion have also caused the lands in their drainage areas to lose

their fertility. Their ecology has been disrupted and as habitat, they have become less hospitable to endangered species and even to human settlements.

Climate change also immensely threatens these rivers. It brings prolonged periods of drought that not only deplete water levels but also kill plants and organisms which purify river water. Torrential rains, which have become more frequent, cause flash floods that damage banks and dams on top of destruction to lives, property and infrastructures that put strains on scarce financial and material resources. It is estimated that in the last ten years alone, these calamities have inflicted damages to the tune of P140 billion. With changing geo-atmospheric patterns, the risks and danger they pose have become unpredictable.

The deterioration of these river systems also puts to risk the water resources of the island. As marked by soil erosion and poisoning as well as water level withdrawal, their deterioration affects agriculture productivity which, in strategic terms, will have dire consequences on government programs to transform the island into the "food basket" of the country in order to attain national food security.

While this portentous process of degradation and destruction is happening, it is sad to note that government response is highly inadequate if not misguided. Government intervenes only when one calamity after another had already done their damage and the intervention is often one of patchwork. To date, there is no national government body that plans the integrated development of these rivers or even manages their abundant but threatened resources.

This has created a vacuum that, in the absence of any expressed provision of law, has been rather filled by local government units which, lacking the resources and capability for such gigantic task, have largely approached the problem with makeshift task forces or localized management authority. This is especially true of river systems such as the Rio Grande and Agusan River which flow over two or more provinces. The result is fragmented policy-making that also fragments the available resources for developing these river systems and often leads to plans and projects wanting in harmony, synergy and sustainability.

Realizing those threats to Mindanao's major river systems and considering the natural resources they contain, it is the thrust of this bill to put an end to stop gap measures to the risks and dangers that degradation and destruction pose as well as to maximize the economic potentials of these river systems so that their significant role in the economic development of the island can be put into full play.

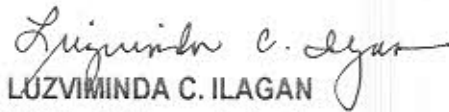
Firstly, this bill proceeds from the view that the rehabilitation, conservation and development of these river systems are too huge a task to be left to LGUs. Given the possible funding requirements, such a task should be the primary concern of the central government and be made part of its national policy which should be implemented on the basis of shared responsibility between the central government and the LGUs.

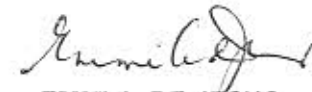
Secondly, it departs from the paradigm of fragmented and "after-the-damage-has-been-done" solutions to the degradation and destruction of these rivers. It seeks to implement a time-bound, anticipatorily proactive, integrated, sustainable, socially equitable and community-based "reef-to-ridge" rehabilitation, conservation and development approach to Mindanao's major river systems. Anticipatorily pro-active must

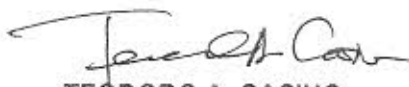
be stressed here not only for the calamities that are sure to come in the future but also for climate change mitigation.

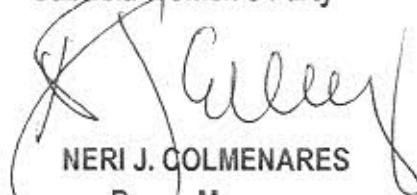
Lastly, this bill is premised on the idea that any development in Mindanao's major river systems must not adversely affect the people who are dependent on them for sources of livelihood. On the contrary, their development must have these people as its primary beneficiaries.

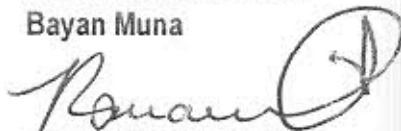
In view of the foregoing, the authors of this bill earnestly urge for its immediate passage.

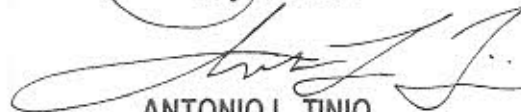

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AN ACT CREATING
THE MINDANAO RIVER SYSTEMS REHABILITATION AND CONSERVATION AUTHORITY,
PROVIDING FUNDS THEREFOR AND FOR OTHER PURPOSES

Section 1. *Title* - This bill shall be known as the *Mindanao River Systems Authority Act of 2011*.

Section 2. *Definition of the Mindanao River Systems* – The Mindanao River Systems refers to the four main river systems in Mindanao, including their mountain headwaters, tributaries and distributaries, estuaries, river mouth, river basins (or drainage areas), deltas, wetlands, watersheds and the flora and fauna within these systems and their components.

These river systems include the Rio Grande de Mindanao with its headwaters in Pulangi River and main tributaries in Kabacan River and in Buluan, Allah and Libungan Rivers and its distributaries in Cotabato River and Tamontaka River and its mouth adjoining Illana Bay in Cotabato City; the Agusan River, including the Agusan Marsh, with its headwaters in Compostela Valley and main tributaries in Umayam River, Bansa River and Ojot River and its mouth adjoining Butuan Bay in Butuan City; the Davao River with its headwaters in San Fernando, Bukidnon and tributary in Salug River and mouth in Davao Gulf; and Cagayan River with its headwaters in Kalatungan Mountain in Bukidnon and its tributaries in Kalawaig River, Tagite River and Bubunaoan River and its mouth adjoining Macajalar Bay in Cagayan de Oro City.

Section 3. *Creation of the Mindanao River Systems Rehabilitation and Conservation Authority* - There is hereby created a Mindanao River Systems Rehabilitation and Conservation Authority (MRSRCA).

Sections 4. *Composition of the MRSRCA* - The MRSRCA shall be composed of a Chairperson and five appointed commissioners. The governor of the Autonomous Region for Muslim Mindanao, by virtue of his office, shall automatically sit as an MRSRCA commissioner representing the ARMM.

Section 5. *Qualifications and appointment of the Chairperson and Commissioners* - The Chairperson of the MRSRCA must be a resident of Mindanao for at least ten years with an experience of at least five years in environmental conservation work or any similar field.

The Chairperson and the five Commissioners shall be appointed by the President from a list of nominees submitted or endorsed by people's organizations, non-governmental organizations engaged in environmental work, and other grassroots organizations.

To ensure the participation of the most vulnerable sectors of the population whose lives or livelihood are bound up with the Mindanao River System and to ensure that their best interest are served, three of the Commissioners shall be appointed from among the indigenous people sector, the women sector and the fisher folks sector.

Section 6. *Powers and Functions of the MRSRCA* - The MRSRCA shall have primary authority over the four main Mindanao River Systems mentioned in Section 2 hereof. It shall have the following powers and functions:

- a. within 30 days after the approval of this bill, delineate the inclusive areas of the Mindanao River Systems and draft a five-year integrated, sustainable and comprehensive plan, to be known as the Mindanao River Systems Rehabilitation and Conservation Master Plan (MRSRCMP), for their rehabilitation and conservation. As far as practicable, the MRSRCMP shall make full use of the integrated water resources management framework and shall include the institution of programs and projects for the early warning and control against flood and other geo/water-hazards, upgrading of their biochemical oxygen demand, climate change mitigation, waste control and management, irrigation and soil rehabilitation, enhanced navigability and pro-people economic development;
- b. ensure and oversee the implementation of the Mindanao River Systems Rehabilitation and Conservation Master Plan within the five-year time frame;
- c. protect and conserve the biodiversity and ecosystem of the Mindanao River Systems and exercise over-all management over their water resources and watersheds;
- d. maintain an updated information site on the Mindanao River Systems;
- e. prohibit or regulate economic activities that will affect the rehabilitation and conservation of the Mindanao River Systems;

- f. expropriate private property necessary for the rehabilitation and conservation and development of the Mindanao River Systems or for the relocation of affected residents or population;
- g. recommend to the President or to the congressional oversight committee national policies and programs that will promote or enhance the conservation of the Mindanao River Systems;
- h. ensure the participation of grassroots and people's organizations in the planning and implementation of the Mindanao River Systems Rehabilitation and Conservation Master Plan;
- i. initiate and launch campaigns to raise public awareness on the necessity to rehabilitate and conserve the Mindanao River Systems;
- j. create a mechanism for the coordination of national and local efforts and initiatives for the use, rehabilitation and conservation of all the water resources, watersheds and aquifers that make up the Mindanao River Systems;
- k. through its Chairperson or his/her duly-designated representative, enter into and sign, in behalf of the Government of the Republic of the Philippines, contracts or agreements in connection with the implementation of the Mindanao River Systems Rehabilitation and Conservation Master Plan;
- l. through its Chairperson or his/her duly-designated representative, make representation before foreign or local institutions for raising funds for the programs and projects of the Mindanao River Systems Rehabilitation and Conservation Master Plan; and
- m. recruit and hire personnel as may be necessary for the exercise of the powers and functions of the MRSRCA; provided, that the budgetary requirements for such personnel shall not exceed twenty-five per cent of the total annual budget for the MRSRCA.

Section 7. *Approval of the MRSRCMP* – The Mindanao River Systems Rehabilitation and Conservation Master Plan shall be approved by the Office of the President. The MRSRCMP shall be considered approved if the President does not act on it within 30 days upon submission.

Section 8. *Terms of office of the Chairperson and Commissioners* – The Chairperson and the five commissioners shall hold office for five years on good behaviour.

Section 9. *Head Office* – The MRSRCA shall have a head office in any of the provinces, cities or congressional districts covered by the MRSRCMP. The particular province, city or congressional district shall be chosen by the commissioners of the MRSRCA.

Section 10. *Devolution of the MRSRCA upon completion of the MRSRCMP* - Upon the completion of the Mindanao River Systems Rehabilitation and Conservation Master Plan, the residual powers and functions of the MRSRCA shall devolve upon the Mindanao River Systems Administration.

Section 11. *The Mindanao River Systems Administration (MRSA) and appointment of its head officers* – The Mindanao River Systems Administration shall be composed of an Administrator

and two Assistant Administrators. The Administrator must have the same qualifications and appointed through the same mechanism as provided for the appointment of the Chairperson of the MRSRCA. He/she and the two Assistant Administrators shall be appointed by the President.

Section 12. *Terms of office of the MRSA Administrator and Assistant Administrators* - The MRSA Administrator and Assistant Administrators shall hold office for three years upon good behaviour. The commissioners of the MRSRCA may be appointed by the President as Administrator or Assistant Administrators upon recommendation by people's organizations, non-governmental organizations in environmental conservation work, and other grassroots organizations.

Section 13. *Deputized powers over endangered species* - The MRSRCA, within its jurisdiction as mentioned in Section 6 hereof, shall have deputized powers for enforcing the provisions of Republic Act 9147 or the Wildlife Resources Conservation and Protection Act. All endangered species listed in the Wildlife Information of the Department of Environment and Natural Resources that can be found in the Mindanao River Systems, including the flora and fauna that are considered part of national treasure, shall be under the protective authority of the MRSRCA concurrent with the DENR.

For this purpose, upon the concurrence of the DENR, the MRSRCA shall have the authority to issue prohibition or regulation orders for the protection and preservation of such endangered species.

Section 14. *Provision of resettlement sites and alternative livelihood for affected residents* - The MRSRCA shall ensure that any development along the objectives of constructing flood control, rehabilitating and conserving the Mindanao River System, no economic dislocation shall occur to the population whose lives or livelihood are bound up with the Mindanao River Systems. Where physical relocation of affected residents is necessary for the implementation of MRSRCA projects, no relocation shall be made unless the MRSRCA has ensured the provision of resettlement sites and alternative livelihood for the affected residents.

Section 15. *Budget* - The MRSRCA shall have an annual operational budget of no less than Three Hundred Million Pesos (P300 M). The provinces and highly urbanized cities covered by the Mindanao River Systems shall allocate fifteen per cent (15 %) of their Internal Revenue Allocation (IRA) share as pooled budgetary funds for the maintenance and operational expenditures of the MRSRCA. The remainder of the operational budget shall be allocated from the General Appropriations Act.

Section 16. *Grants and aids for MRSRCA projects and programs* - Subject to the rules and guidelines of the Commission on Audit, all funds, monies and properties that the MRSRCA receives as grant or aid for MRSRCMP projects and programs shall be to the account of the MRSRCA; provided, that the MRSRCA shall submit an annual report to the DBM on the disbursement of such grant or aid.

Section 17. *Congressional oversight committee* – All Representatives of districts covered by the MRSRCA shall constitute the congressional oversight committee for the implementation of this Act. Such a committee shall meet once every six months to monitor the progress of the implementation of this Act.

Section 18. *Repealing clause* – All laws, orders, issuances, rules and regulations which are inconsistent with this Act are hereby repealed or modified accordingly.

Section 19. *Separability clause* – If any portion of this Act would be declared unconstitutional, the remaining portion shall continue to have force and effect.

Section 20. *Effectivity clause* – This Act shall take effect fifteen (15) days after publication in the Official Gazette or in two (2) newspapers of general circulation.

Approved,