

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City



FIFTEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. **5385**

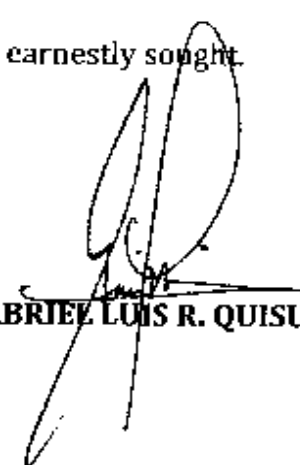
Introduced by **Hon. GABRIEL LUIS R. QUISUMBING**

EXPLANATORY NOTE

In view of the changing weather conditions brought about by climate change and the resulting floods in different areas of the country, there is a need for additional measures to mitigate the damages brought by natural calamities and disasters. In the aftermath of recent typhoons Pedring and Quiel, Northern and Central Luzon suffered heavy damage to life and property due to unprecedented flooding. At present, the Government is planning to review the protocols and standards on dam water releases.

This bill seeks to provide compensation for the loss of life and property of people adversely affected by the release of water from dams or reservoirs. Further, the proposed measure seeks to create and establish a National Dam Safety and Review Board, which shall oversee, monitor, and inspect the conditions of all dams in the country. The National Dam Safety and Review Board shall also establish an effective safety program to reduce the adverse effects of releasing water from dams or reservoirs especially during heavy rains and typhoons.

Hence, approval of this bill is urgently earnestly sought.


GABRIEL LUIS R. QUISUMBING

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Introduced by **Hon. GABRIEL LUIS R. QUISUMBING**

AN ACT PROVIDING COMPENSATION TO PEOPLE ADVERSELY AFFECTED BY THE RELEASE OF WATER FROM DAMS OR RESERVOIRS, CREATING FOR THE PURPOSE THE NATIONAL DAM SAFETY AND REVIEW BOARD AND APPROPRIATING FUNDS THEREFOR.

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

SECTION 1. **Short Title.** - This Act shall be known as the "*The National Dam Safety Act of 2011.*"

SECTION. 2. **Declaration of Policy** - It is hereby declared the policy of the State to reduce the adverse effects of releasing water from dams or reservoirs, especially during heavy rains and typhoons, through the establishment and maintenance of an effective national dam safety program and the implementation of a government mechanism to compensate the people who suffered loss of life and property on account of such related calamities.

SECTION. 3. **National Dam Safety and Review Board.** - There is hereby created a National Dam Safety and Review Board, hereinafter referred to as the Board, which shall inspect and oversee the conditions of all dams in the country and establish effective safety programs to protect human life and property against adverse effects of releasing water from dams or reservoir.

The Board shall be composed of the following:

- a) Secretary of Public Works and Highways, as *ex officio* Chairman;
- b) Director of Philippine Atmospheric, Geophysical and Astronomical Services Administration (PAG-ASA); and
- c) Administrator of National Disaster Risk Reduction and Management Council (NDRRMC) as *ex officio* Vice-Chairmen;
- d) Executive Director of the National Water Resources Board (NWRB);
- e) Administrator of the National Irrigation Authority (NIA);
- f) Administrator of Manila Waterworks and Sewerage System;

- g) President of the National Power Corporation; and
- h) Secretary of Social Welfare and Development, as *ex officio* members.

SECTION. 4. Powers and Functions. – The Board shall exercise the following powers and functions:

- a) Establish and maintain effective dam safety programs, policies and guidelines for the protection of human life and property;
- b) Issue notices, when appropriate, to require management of dams or reservoirs; to perform necessary maintenance or remedial work; to revise operating procedures, or take other actions, including breaching dams, when necessary;
- c) Require or perform the inspection, at least once every five (5) years, of all dams and reservoirs that would pose a significant threat to human life and property in case of failure, to determine the continued safety of the dams and reservoirs;
- d) Identify each dam and prepare a system of emergency procedures to be used if a dam fails or if the failure of a dam is imminent based on the following considerations:
 - 1. Dam failure, which could be reasonably expected to endanger human life;
 - 2. Maximum area that could be flooded if the dam failed; and
 - 3. Necessary public facilities that would be affected by the flooding.
- e) Receive, evaluate, process and investigate applications for claims and compensation under this Act;
- f) Conduct an independent administrative hearing and resolve applications for claims subject to conditions which may be established under this Act;
- g) Deputize appropriate government agencies in order to effectively implement its functions; and
- h) Exercise all the powers necessary to attain the purposes for which it is created.

SECTION. 5. Compensation and Rehabilitation. The Board shall, upon favorable resolution of the claims, compensate and provide immediate relief to individuals who suffered loss of life or damage to property and livelihood in the event of any dam failure resulting from the negligence of dam owners and government agencies.

The Board shall award the following:

- a) In case of death of an individual, the amount of Fifty Thousand Pesos (P50,000.00) shall be granted to the legal heirs of the victim by way of death benefit;
- b) In case of physical, emotional or psychological injuries caused to an individual, the cost of hospitalization and other related and consequential damages resulting from such injury shall be granted the victim-claimant;

c) In case of loss of or damage to property, the amount corresponding to the assessed value of the property lost or destroyed or the amount mutually agreed upon by the parties shall be granted the victim-claimant

SECTION. 6. ***Appropriations.*** – The amount necessary for the initial operation of the Board and the compensation for victims adversely affected by the release of water from dams or reservoir shall be charged to the appropriations for the Department of Public Works and Highways (DPWH). Thereafter, such sum as maybe necessary for its continued implementation shall be included in the annual General Appropriations Act.

SECTION. 7. ***Implementing Rules and Regulations.*** – The Board shall, in coordination with the DPWH, promulgate rules and regulations necessary to ensure the effective implementation of this Act.

SECTION. 8. ***Repealing Clause.*** – All laws, decrees, executive orders, rules and regulations and other issuances or parts thereof that are inconsistent with this Act are hereby repealed, amended or modified accordingly.

SECTION. 9. ***Effectivity.*** – This Act shall take effect fifteen (15) days following its publication in at least two (2) national newspapers of general circulation.

Approved,