

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. 5402



Introduced by Honorables ANGELO B. PALMONES, KIMI S. COJUANGCO,
ANA CRISTINA S. GO, AGAPITO H. GUANLAO, RANDOLPH S. TING,
and SUSAN A. YAP

AN ACT
TO ESTABLISH THE PHILIPPINE DAM AUTHORITY, PROVIDING FUNDS
THEREFOR AND FOR OTHER PURPOSES

EXPLANATORY NOTE

The Philippines is battered by 20 or more typhoons each year causing flooding and destruction of crops, infrastructures and other properties not to mention the loss of lives. One could still remember the damage caused by typhoon Ondoy about two years ago. On September 26, 2011 typhoon Pedring made landfall in Casiguran, Aurora with 130 kph winds and gustiness of 160 kph. It brought with it rains estimated at 15-25 mm per hour. With a diameter of about 650 km it covered most of the island of Luzon.

By September 29, 2011 typhoon Pedring was estimated to have affected more than 425,000 families or about 2 M people, 1,563 barangays, 93 municipalities, 9 cities in 9 provinces in Central Luzon and vicinity. Flood water was 3.6 m high and as of this date the estimated damage to infrastructure and agriculture was P9.5B. Death toll was placed at 82 with 45 missing persons.

As Pedring was exiting the Philippine Area of Responsibility (PAR) typhoon Quiel came at its heels making its landfall on October 1, 2011 packing winds of 150 kph and gustiness of 185 kph. The flood water brought by Pedring has not subsided when Quiel contributed to the inundation. This was further compounded by high tide which prevented the water to drain into the West Philippine Sea. Quiel contributed to the death toll statistics and missing persons in addition to damaged properties.

These two weather events triggered in-flow of water into dams in Ambuklao, Binga and San Roque, the last one receiving over flows from the two dams above it. The in-flow of water into the San Roque dam brought the level of water in the reservoir beyond its Normal High Water Level (NIHWL) of 280 m AMSL (mean sea level) and into the Maximum Surcharge Water Level (MSWL) of 290 m AMSL. When this water level is exceeded the spillway gates are opened to maintain 290 m AMSL, otherwise there is the possibility that the reservoir wall will be breached and the dam water will flow beyond control causing unimaginable damage downstream.

The actual level of the San Roque dam did not actually reached the MSWL of 290 m AMSL since even before the landfall of Pedring the dam has been spilling water through its turbine. With the eminent higher inflow of water into the dam the spillway gates were opened. The already high flood waters in most of Pangasinan further rose. This was complicated by the high tide which prevented the flow of the water to the sea resulting in excessive flooding.

While Pangasinan was reeling from the effects of flood waters Bulacan towns were equally suffering from floods due to rains brought typhoons Pedring and Quiel.

In both instances, there has been a lot of finger-pointing as to who is responsible for the extensive flooding in Pangasinan and most of Central Luzon. The San Roque Dam managers have been slammed for untimely release of water from the dam. National Power Corporation (Napocor) criticized the National Water Resources Board (NWRB) for not allowing them to release water from the Angat Dam, which he said could have prevented heavy flooding in Bulacan during the onslaught of Typhoon Pedring last week. Meanwhile, an environment activist group has been blaming the government of being irresponsible for not doing much to prevent flooding knowing that the impacts of climate change on the weather.

The private group claims that "it is still the private corporations which decide when to release water from the dams. This very important function should be at the government's hands but because the large dams are privatized, the government could only monitor the dam water level and then advice these corporations when to release water from the dam".

Meanwhile the local government of Bulacan blamed the release of water from 3 dams for the floods in Calumpit. The dams are Ipo Dam, Angat Dam, and Bustos Dam. The National Power Corporation flood forecasting and warning system division manager, however, denied that it is just the release of water from the dams that caused the massive floods. Water coming from Nueva Ecija and Pampanga contributed to the rise in water level.

The local governments of Pangasinan and Bulacan recommended to the President to review flood-control protocols claiming that these are outdated and inefficient. It is claimed that the Office of the President is considering the creation of the Dam Authority in charge in the release of water from the dam.

To put order and systematize the release of reservoir water and to avoid loss of lives and property there is an urgent need to pass this Act of creating a Philippine Dam Authority.



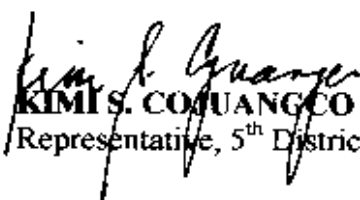
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Representative, AGHAM Party List



ANA CRISTINA S. GO
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RANDOLPH S. TING
Representative, 3rd District of Cagayan



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Representative, 5th District of Pangasinan



AGAPITO H. GUANLAO
Representative, BUTIL Party List



SUSAN A. YAP
Representative, 2nd District of Tarlac

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AN ACT
TO ESTABLISH THE PHILIPPINE DAM AUTHORITY, PROVIDING FUNDS
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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 Philippine Dam Authority Act of 2011.

SECTION 2. Statement of Policy and Objectives – It is the policy of the State to protect life, and property and promote the general welfare of the people which are essential in the enjoyment of the blessing of democracy through the provision of timely, clear, comprehensible dissemination of flood warning to proper authorities. It is the purpose of this Act to establish an Authority to rationalize and unify the management of dams, improve and strengthen the organization and be responsible for the dissemination of information and warning of impending discharge of dam water, improve its manpower for a better delivery of its services to the nation.

SECTION 3. Creation of the Philippine Dam Authority – The Philippine Dam Authority, herein referred to as Authority, is hereby created in accordance with the provisions of this Act.

SECTION 4. Jurisdiction of the Authority – The authority shall have jurisdiction over the management, supervision, and regulation of all dams in the Philippines.

SECTION 5. Powers and functions of the Authority – To be able to discharge its mandates the Authority shall have the following duties and functions:

- 1) Maintain in proper operating conditions all dams in the country
- 2) Establish and maintain in each of the dams a Flood Forecasting and Warning System Dam Office
- 3) Determine the inflow of flood water into the dam
- 4) Monitor the level of water in the dam and when a telemetered forecasting system is in place coordinate with the Philippine Atmospheric, Geophysical, Astronomical Services Administration (PAGASA) in the monitoring of water level in the dam

- 5) Review and revise flood forecasting and warning systems protocol in all of the existing and future dams that will be subsequently established
- 6) Issue flood warnings to concerned authorities in affected areas
- 7) Issue warnings of impending opening of spillway gates when there is a need to open the same
- 8) Perform other functions needed to ensure the safety of lives and property of the affected people in accordance of the provisions of this Act.

SECTION 6. *Structural organization* – The Authority shall be under the administrative supervision of the Department of National Defense (DND). It shall consist of the office of the Director-General who shall be assisted by a Deputy-Director for Operations and a Deputy-Director for Administration. The Director of the Office of Civil Defense (OCD) shall be Ex-Officio Director-General of the Authority.

The Director-General of the Authority shall have the authority and responsibility to determine and establish functional offices for Operations and for Administration. The Director-General shall be authorized to prescribe the qualifications for the offices of deputies-director general.

Each dam shall have an on-site Flood Forecasting and Warning System Dam Office (FFWSDO). The FFWSDO of the National Power Corporation (NPC) or its equivalent under other offices shall be transferred to the Authority. All existing personnel, records and budget shall likewise be transferred to the Authority.

SECTION 7. *Functions, personnel complement and compensation of the Flood Forecasting and Warning System Dam Office* – The FFWSDO shall be headed by a Flood Operations Manager whose office shall have rank of a Director. The qualifications for the Flood Operations Manager and other personnel off the FFWSDO shall be determined by the Director-General. The personnel complement of the FFWSDO shall be determined by the Authority. The compensation of the officers and employees of the FFWSDO, as well as those of the other offices of the Authority, shall be in conformity with prescribed national compensation for government officials and employees but without reducing the present compensation of existing employees.

The FFWSDO shall have the following functions and duties:

- 1) Responsible for any flood operation and dissemination of flood warnings to target areas
- 2) Recommends appropriate actions to be taken with respect to water discharge from the dam based on the analyses of hydrological data to the Director-General who shall be the final authority responsible, in coordination from PAGASA, for giving the order to open and close dam spillway gates
- 3) Coordinates with other agencies disseminating dam discharge warnings and flood warnings
- 4) Communicates with local officials and heads of agencies in the target areas
- 5) Recommend to higher authorities changes/revisions in the flood warning and discharge warning protocols
- 6) Performs other functions necessary for the safety of target areas

SECTION 8. *Coordination with other agencies regarding dam operation and water allocation* - The Authority shall have full and unqualified authority over the management operation of dams. Government or private corporations making use of dams for their operations shall upon the passage of this Act enter into an agreement with the Authority on the use of the dam. The Authority shall work with the National Water Resources Board (NWRB), the National Water and Sewerage System (NWSS), the National Irrigation Administration (NIA) and other agencies which have responsibility in the allocation of water resources on the allocation of water resources in normal times. In times of emergency such as but not limited to presence of typhoons or discharge of water from the dam, it shall be the sole responsibility of the Authority to decide on the use of the water in the dam.

The Authority shall continue to coordinate with PAGASA with respect to the monitoring of water levels of dams and the latter shall continue to provide recommendations on flood forecasting and warning.

SECTION 9. *Funding support for this Act* - The funds currently allocated to the FFWSDOs shall be transferred to the Authority. Additional funds needed for the creation of the Authority shall come from the funds of the Office of the President and thereafter shall come from the annual appropriations of the Department of National Defense.

SECTION 10. *Implementing Rules and Regulations* - The Department of National Defense in coordination with other government agencies concerned shall issue the implementing rules and regulations for the effective implementation of the Act.

SECTION 11. *Separability Clause* - If any part or provisions of this Act are held unconstitutional or invalid, other parts or provisions hereof which are not affected shall continue in full force and effect.

SECTION 12. *Repealing Clause* - This Act repeals or modifies accordingly pertinent provisions of any law, decree, rules and regulations, executive orders or proclamations or parts thereof which are inconsistent with the provisions of this Act.

SECTION 13. *Effectivity* - This Act shall take effect immediately upon compliance with existing regulations on publication.

Approved