

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

SIXTEENTH CONGRESS

Third Regular Session

HOUSE BILL NO. 6394



Introduced by Honorable Kimi S. Cojuangco

Explanatory Note

There exists a problem with regards to the drainage of our lands which the present structure of government can ill address.

The common practice today is to use irrigation channels and canals to serve two functions: irrigation and drainage.

Such a situation results in both functions being severely compromised.

Irrigation canals need to be at a higher elevation relative to the land so that they can convey water to flood or "irrigate". On the other hand, drainage canals need to be at a much lower elevation relative to the land so that they may effectively carry water away from the land thereby draining it.

It is a common understanding of any agriculturist that proper drainage is just as, if not more important than irrigation.

With different requirements, it is imperative that there exists a system solely dedicated for drainage.

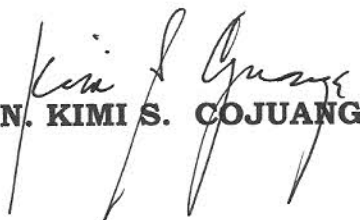
One of the biggest problems the country faces, especially in the urban areas, is flooding. It is evident from the aftermath of Typhoons Ondoy and Pepeng, and the recent rainfall that the country's current drainage system needs to be fixed and updated. Although it is not the only solution, having a proper system in place will definitely be a great help in reducing the risk of floods, potentially minimizing the damage taken and lives lost.

Further, the Department of Public Works and Highways is mandated to provide drainage only for roadways and not tracts of land.

Billions if not trillions of pesos of private capital end up trapped in the "tambak" or filling-up practice as our citizens try in vain to cope with the problems of flooding in establishments and residences. Those with the funds may win out in the short term but in the long run, everybody loses. As this practice eventually catches up, whole communities end up where they started. With the increase in number of "filled" areas comes an increase in the number of lots and properties with entrapped water. This not only makes it difficult to develop the land, it becomes a breeding ground for diseases such as dengue which endangers the entire community.

The state should therefore create the appropriate agency to deal with the issue. It should create an agency which will not be in conflict with the National Irrigation Administration.

The creation of a National Drainage Authority is therefore highly appropriate, relevant and recommended.


HON. KIMI S. COJUANGCO

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AN ACT
CREATING THE NATIONAL DRAINAGE AUTHORITY,
PRESCRIBING ITS POWERS AND FUNCTIONS AND
APPROPRIATING FUNDS THEREFOR

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

SECTION 1. *Short Title.* – This Act shall be known as the
“National Drainage Authority Act.”

SEC. 2. *Declaration of Policy.* – It is hereby declared the policy of the State to recognize the essential role of drainage and address the drainage problem of the country. Towards this end, the State shall investigate, study, improve, administer and construct proper drainage system in order to ease and provide adequate social services and improve the quality of life for all the Filipinos.

SEC. 3. *National Drainage Authority.* – A corporate body is hereby created to be known as the National Drainage Authority, hereinafter referred to as the “Authority.” It shall be organized immediately after the approval of this Act and shall have its principal seat of business in the City of Manila. It shall have representatives in all provinces for the proper conduct of its business.

SEC. 4. *Mandate.* – The Authority shall have the following mandate:

- a) Investigate, identify natural washes and gullies; study, maintain and protect the lay of the land; improve, construct and administer all national drainage systems in the Philippines;
- b) Investigate all available and possible water resources in the country for the purpose of utilizing the same for drainage, and to protect existing water passage right-of-way and implement the acquisition thereof;
- c) Set the minimum depth and slope standard of drainage systems so that the water will reach their natural outfalls;
- d) Plan, design and construct the necessary projects for the next twenty years following the approval of this Act;

e) Collect from the users of drainage system such fees as may be necessary to finance the continuous operation and reimburse within a certain period not less than twenty-five years the cost of construction thereof.

(f) Succeed on its corporate name;

(g) Sue and be sued in such corporate name;

(h) Adopt, alter and use a corporate seal;

(i) Adopt, amend and repeal its by-laws;

(j) Enter into contracts of any kind and description, to enable it to carry out its purposes and functions under this Act;

(k) Acquire, buy, purchase, hold or lease such personal and real property as it deems necessary or convenient in the transaction of its business or in relation with the carrying out of its purposes under this Act; and lease, mortgage, sell, alienate or otherwise encumber or dispose any such personal and real property held by it;

(l) Exercise the right of eminent domain whenever the Authority deems it necessary for the attainment of the objectives of this Act;

(m) Borrow funds from any local or foreign financial institutions independent of the bonds it may issue or may continue to issue, to carry out the purposes of this Act;

(n) Purchase, hold, alienate, mortgage, pledge or otherwise dispose of the shares of the capital stock of, or any bond, securities, or other evidence of indebtedness created by any other corporation, co-partnership, or government agencies or instrumentalities and exercise all the rights of ownership, including the right to vote thereon;

(o) Perform such other acts as are necessary or incidental to carry on the objectives of this Act.

SEC. 5. ***Board of Directors.*** – The Authority shall be governed by a Board of Directors, hereinafter referred to as the Board, which shall be composed of the Secretary of Public Works and Highways, the Secretary of Environment and Natural Resources, the Secretary of Agriculture, Secretary of Finance, Secretary of Labor, the Administrator of the National Irrigation Administration, the Executive Secretary and the General Manager of the Authority or their representatives.

The members of the Board, excluding the General Manager, may receive *per diems* for every meeting actually attended at such amount to be fixed by the Board but not to exceed five thousand pesos (P5,000.00) per month.

The Board shall meet regularly at least once a month, but special meetings may be called either by the Chairman or by at least four (4) members of the Board. The majority of the Board shall constitute a quorum and all decisions of the Board shall require the concurrence of at least four (4) members

SEC. 6. ***Powers and Duties.***) The Board shall have the following powers and duties:

- a) Formulate, prescribe and promulgate the implementing rules and regulations required by this Act;
- b) Act upon the annual budget and such supplemental budgets of the Authority submitted by the General Manager: *Provided*, That the Board may reduce but may not increase any item proposed by the General Manager;
- c) Approve the organizational structure of the Authority, as well as its staffing pattern, the salaries of the personnel and their powers and duties submitted by the General Manager;
- d) Enter into such contract or agreement as may be necessary for the attainment of the purposes and objectives of this Act;

e) Render annual reports to the President and such special reports as may be requested; and

f) Exercise all the powers necessary or incidental to the attainment of the purposes of this Act.

SEC. 7. **General Manager.** – The General Manager shall be the chief executive of the Authority. He must have at least five (5) years experience in the field of public administration or the management of agricultural, industrial, or commercial enterprises and a recognized authority on drainage or related fields. The General Manager shall be a member of the Board without, however, any right to vote.

The General Manager of the Authority shall be appointed by the President of the Philippines for a term of six (6) years, unless earlier removed from office by the President.

The General Manager shall be assisted by an Assistant General Manager who shall likewise be appointed by the President of the Philippines.

SEC. 8. **Functions.** – The General Manager shall have the following functions:

a) Prepare the agenda for the meeting of the Board and to submit for consideration thereof the policies and measures which he believes to be necessary to carry out the purposes and provisions of this Act;

b) Execute and administer the policies and measures approved by the Board;

c) Direct and supervise the operation and internal administration of the Authority. The General Manager may delegate certain of his administrative responsibilities to other officers of the Authority subject to the rules and regulations of the Board; and

d) Exercise such other powers as may be vested in him by the Board.

SEC. 9. **Compensation.** – The General Manager shall receive a compensation to be determined by the Board which shall be charged against the annual appropriation of the Authority for operating expenses. The Board of Directors shall provide *per diems* and allowances for the General Manager.

SEC. 10. *Other Personnel of the Authority.* – The General Manager shall, subject to the approval of the Board, determine and appoint the subordinate officers, other personnel, and consultants, if necessary in accordance with the civil service rules and regulations.

SEC. 11. *Capital.)* The working capital of the Authority shall be Five hundred million pesos (P500,000,000.00) which shall be fully subscribed by the Republic of the Philippines and paid as follows:

a) The sum of Fifty million pesos (P50,000,000.00) upon the approval of this Act which is hereby appropriated out of the funds in the National Treasury not otherwise appropriated, Five million pesos (P5,000,000.00) of which shall be released upon the organization of the Authority and the balance as and when needed;

b) The sum of Fifty Million Pesos (P50,000,000.00) for every subsequent fiscal year for a period of nine (9) years which must be included in the General Appropriations Act.

SEC. 12. ***Auditor.*** – The Commission on Audit shall appoint a resident Auditor to the Authority, and such personnel as may be necessary to assist said resident Auditor in the performance of his duties.

SEC. 13. ***Rules and Regulations.*** – Within ninety (90) days after the effectivity of this Act, the Board shall promulgate the necessary rules and regulations for the effective implementation of this Act.

SEC. 14. ***Reportorial Requirements.*** – The Authority shall submit an annual report to the Office of the President indicating, among others, the drainage program being implemented, the stage of implementation and the financial position of the Authority. It shall likewise submit such periodic or other reports as may be required from time to time.

SEC. 15. ***Applicability of the Corporation Code.*** – The provisions of the Corporation Code, in so far as they are not inconsistent with the provisions and policies provided in this Act, shall be applicable to the Authority.

SEC. 16. *Separability Clause.* – If any part or provision of this Act is declared unconstitutional, other parts or provisions thereof which are not affected thereby shall continue to be in full force and effect.

SEC. 17. *Repealing Clause.* – All laws, decrees, executive orders, rules and regulations and other issuances or parts thereof, inconsistent with the provisions of this Act, are hereby repealed or modified accordingly

SEC. 18. *Effectivity.* – This Act shall take effect fifteen (15) days after its complete publication in at least two (2) national newspapers of general circulation.

Approved,