

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

FIRST REGULAR SESSION
Seventeenth Congress

HOUSE BILL NO. 5749



Introduced by: Honorable Cristal L. Bagatsing

EXPLANATORY NOTE

Article II, Section 16 of the 1987 Constitution provides that:

"Sec. 16. The state shall protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature."

In spite of our many laws regarding littering such as the MMDA and LLDA ordinance, Local ordinance in every city or municipality, the Solid Waste Management Act and the Clean Water Act, last May 2, 2017, a news broke out that after the beach parties in the Boracay Island, the place was in such miserable state with garbage literally strewn around. Empty bottles of varied alcoholic drinks and plastics were scattered not only in the beach but also on the ocean. Earlier, the DENR through its PENRO (Provincial Environmental and Natural Resources Officer) ordered the LGU of Malay, Aklan to stop and close the operation of open dumping and burying of biodegradable waste.

Littering in beaches and oceans, as well as the operation of open dumping or burying of biodegradable waste in beaches has negatively impacted our environment. This could also cause the degradation of our great and well known beaches in the world.

As a result, people have gotten scared with news around the world declaring that our beaches are not safe for swimming. They speculate that the bacterial content in the sea is so high.

This bill does not limit itself to beaches; it includes coastal waters, the waterfalls, streams, lakes, bays, rivers, and oceans. It also includes waters for recreation not only for swimming but also for surfing, snorkeling, diving and the likes.

This bill also seeks to give grants to cities or municipalities to enable them to monitor the quality of water in their area and notify the public by posting warnings, or even closing the recreational waters, if the quality of water exceeds the bacteria levels.

The practice of monitoring the quality of water will make all stakeholders of recreational waters fully understand that they are part of the solution to the problem of littering. Therefore, every citizen of the country has a duty to preserve and protect the recreational waters for future generations.

Early approval of this bill is earnestly sought.

CRISTALL BAGATSING

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AN ACT

**TO PRESERVE AND PROTECT ALL WATERS FOR RECREATION IN THE PHILIPPINES, AND
IMPLEMENTING ITS MONITORING AND NOTIFICATION PROGRAM, PROVIDING FUNDS
THEREFORE AND FOR OTHER PURPOSES.**

Section 1. This act shall be known as **"CRYSTAL CLEAR WATER ACT"**

Sec. 2. Definition of Terms. – As used in this Act

- a. Litter shall include but not limited to any garbage, trash, refuse, can, box, container, paper, tobacco product or cigarette butts, tire, appliances, building or construction material, motor vehicle or motor vehicle part, sludge;
- b. Dump means to dump, throw, discard, place, deposit or dispose
- c. Waters for recreation are bodies of water which shall include rivers, beaches, seas, oceans, lakes, waterfalls, coastal waters used for recreation which shall include but not limited to diving, swimming, snorkeling, whale/dolphin watching;

Sec. 3. Prohibited Acts. –

- a. Unless otherwise authorized by law, it is unlawful for any person to dump any litter in any manner or amount in any declared waters for recreation, including arteries like canals that lead to such declared waters. When any litter is thrown or discarded from a boat, the operator or owner of the boat or both shall be deemed in violation of this section. It shall also be unlawful for any person to dump animal/human waste in any declared waters for recreation, including arteries like canals that lead to such declared waters.
- b. It is also unlawful for any person, who shall willfully take or remove any sand, gravel, stone or other materials from waters for recreation without the permission of the DENR.

Sec. 4. Penalties. – Any person who dumps litter or animal/human waste or removes sand, gravel, stone or other materials from waters for recreation in violation of Section 3 of this Act shall, upon conviction, be punished with a fine of not less than Three Thousand Pesos (3,000.00) but not more than Five Thousand Pesos (5,000.00) or render community service for not less than one (1) day to not more than fifteen (15) days to an LGU where such prohibited acts are committed.

Provided, that amount of removed sands, gravels, stones or other materials from water for recreation shall not be more than 50 kilos, in which case, the penalty to be imposed shall be imprisonment from three (3) years but not more than five (5) years and a fine not less than Php 300,000.00 but not more than Php 500,000.00.

Sec. 5. Responsibility of Local Government Units. – The Local Government Unit (LGU) of any City or Municipality shall determine the training and qualifications of an employee of the LGU recreation department designated to enforce the provisions of this section.

Sec. 6. Grants. - There shall be a grant awarded to eligible city or municipality that shall implement recreation water monitoring and notification program. The local health environmental protection agencies shall monitor the quality of water and if the bacteria levels in the area are too high, these agencies shall notify the public by posting warning or closing the same. The grant shall be used to help the LGU determine their waters for recreation that are unsafe for swimming and other activities.

The grant shall be allocated based on three (3) factors:

1. Length of the activity season
2. Length of shoreline
3. Population

Every two (2) years, the DENR shall update the reporting requirements for the grants. As a condition for the grants, the recipients are required to collect and submit a monitoring and notification information to the DENR.

The DENR shall 1) prepare and update the national list of waters for recreation for public use regardless of the presence of a lifeguard within 12 months, 2) study the long term impact of climate change on pathogenic contamination of recreation waters 3) study the impact of excess nutrients on recreation waters.

Sec. 7. Implementing Rules and Regulations. – The DENR, in coordination with other concerned LGUs shall promulgate and issue the Implementing Rules and Regulations within sixty (60) days upon approval of this Act.

Sec. 8. Funding Requirements. – The amount necessary for the initial implementation of this Act shall be sourced against any applicable appropriation item under the current General Appropriations Act. Subsequent amount to continue the implementation of the program shall be included in the succeeding appropriations.

Sec. 9. Separability Clause. - If any provision of this Act is declared unconstitutional or invalid, the other provisions not otherwise affected shall remain in full force and effect.

Sec. 10. Repealing Clause. – All laws, decrees, executive orders, rules and regulations, and other issuances or parts thereof which are inconsistent with this Act are hereby repealed, amended or modified accordingly.

Sec. 11. Effectivity. - This Act shall take effect fifteen (15) days after its publication in at least (2) newspapers of general circulation.

Approved,