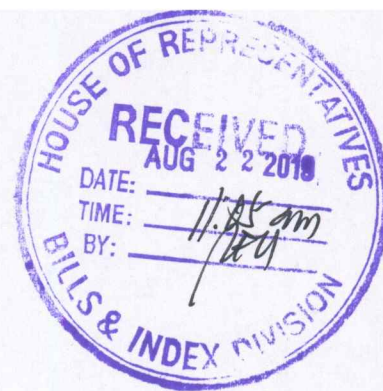


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

EIGHTEENTH CONGRESS
First Regular Session

House Bill No. **4112**



Introduced by HON. HENRY R. VILLARICA
4TH DISTRICT, BULACAN

EXPLANATORY NOTE

Flash floods and other water-related disasters, aggravated by extreme weather events attributed to climate change must be effectively addressed by the State. This will save lives, mitigate damage to property and improve the quality of life of many Filipinos.

Presently, however, while work on water-related programs are being handled by more than 30 government agencies and departments, notably:

- 1.) the National Economic and Development Authority (NEDA) which serves as the country's premier social and economic development planning and coordinating body;
- 2.) the National Water Resources Board (NWRB) which is the national apex body for water resource management and development;
- 3.) the Department of Environment and Natural Resources (DENR) which is responsible for the conservation, management, development and proper use of the country's environment and natural resources;
- 4.) the River Basin Control Office (RBCO) under the umbrella of the DENR which is tasked to manage and develop the country's priority basins; and
- 5.) the Department of Public Works and Highways (DPWH) mandated to undertake the design, construction and maintenance of primary flood control systems;

the risks and damage wrought by the recent typhoons that devastated the length and breadth of the Philippine archipelago were not minimized.

This proposed bill seeks to establish an institutional framework that will address issues on water resources development and consolidate conflicting approach in water management. This will establish a comprehensive river administration system for flood control, water use and environmental conservation.

This bill was filed during the 16th and 17th Congresses but was not taken up due to time constraints. It is re-filed for the consideration of the 18th Congress.

Support for the enactment of this measure is earnestly requested.

REP. HENRY R. VILLARICA

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House Bill No. **4112**

Introduced by HON. HENRY R. VILLARICA
4TH DISTRICT, BULACAN

AN ACT ADOPTING THE INTEGRATED RIVER BASIN MANAGEMENT APPROACH AS A
COMPREHENSIVE FRAMEWORK IN DEVELOPING AND MANAGING THE COUNTRY'S
RIVER BASIN SYSTEMS AND FOR OTHER PURPOSES

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

CHAPTER 1
GENERAL PROVISIONS

SECTION 1. *Short Title.* - This Act shall be known as the "Philippine River Basin System
Administration Act of 2013".

SEC. 2. *Declaration of Policy.* - It is the policy of the State to protect and advance the right
of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature.
Pursuant thereto, and since all rivers and river systems are subject to the full protection of the State,
there is a need for their proper administration, conservation and utilization so as to prevent damage
due to hazards that are worsened by climate change and keep the normal functions of the river water
by maintaining and conserving the fluvial environment.

SEC. 3. *Definition of Terms.* - As used in this Act, the following words or terms shall mean:

- (a) "Class A Rivers" - river basins which are deemed important in terms of land conservation
and/or national economy as designated by the National River Councils;
- (b) "Class B Rivers" - one designated by the provincial governor concerned, which belongs
to such a water system other than those designated by the National River Councils;
- (c) "Disaster Risk Reduction" - the concept and practice of reducing risks through
systemic efforts to analyze and manage the causal factors of disasters, including through
reduced exposures to hazards, lessened vulnerability of people and property, wise
management of land and the environment, and the improved preparedness for adverse events;

(d) "Food fighting organizations" - the local disaster risk reduction and management offices established by virtue of Republic Act No. 10121, otherwise known as the *Philippine Disaster Risk Reduction and Management Act of 2010*;

(e) "Flood fighting activities" - small scale measures designed to minimize, if not prevent flooding damage;

(f) "NDRRMC" - the National Disaster Risk Reduction and Management Council established by virtue of Republic Act No. 10121;

(g) "River"- Class A of Class B rivers and includes the river administration facilities. This includes not only natural streams and water bodies such as rivers, lakes, and marshes, but also such artificial streams (i.e., floodway) that have been constructed to serve a purpose for the general public, excluding artificial streams and water areas provided for a specified water use, such as channels for agriculture or power generation, sewer, irrigation ponds, etc.

(h) "River administration facility" - a dam, weir, sluice, levee, revetment, ground sill or fluvial woods, which have the function of increasing or maintaining public benefits from water of a river or of eliminating or decreasing public losses which may be caused by the water of a river;

(i) "River administrators" - persons who administer rivers;

(j) "River works" - works executed on a river in order to increase the public benefits or eliminate or diminish public losses caused by the water of the river, including earth works (banking, excavation), construction and repairs of structural facilities such as levee, dam weir, and others, countermeasures for storm surge, improvement of river environment, among others.

CHAPTER 2 CLASSIFICATION OF THE RIVER ZONE

SEC. 4. *River Zone*. - The river zone shall refer to the area where the land or river water use shall be regulated. It shall include:

(a) The area of the land where the water of a river flows continuously and of the land where the topography, conditions of growth of vegetation and other conditions of growth of vegetation and other conditions are similar to the conditions of the land where the water flows continuously;

(b) The area of the land which is a site of a river administration facility; and

(c) The land on the riverside designated by the river administrator as necessary in order to perform river administration works in the area, as under Section 4 (a).

SEC. 5. *River Conservation Zone*. - When the river administrator deems it necessary for the conservation of the river bank or the river administration facilities, he may designate an area adjacent to the river zone as a river conservation zone.

SEC. 6. *Projected River Zone.* - In case the river administrator deems it necessary for the execution of river works, he can designate as a projected river zone a stretch of land which is to have a lane included in the river zone by execution of the river works.

CHAPTER 3 ADMINISTRATION OF RIVERS

SEC. 7. *Administration of Class A Rivers.* - The Secretary of the Department of Public Works and Highways (DPWH) shall administer Class A Rivers, as follows to wit:

(a) Direct Management Segment – Segments of Class A River with a particular high level of importance shall be managed by the Secretary of the DPWH;

(b) Designated Segment – Segments of Class A Rivers not part of Sec. 7 (a) are referred to as “Provincial Administration Section”, which the Secretary may entrust part of its administration with the provincial governor that has jurisdiction of the river basin system where the “Provincial Administration Section” is located.

SEC. 8. *Administration of Class B Rivers.* - The Administration of a Class B River shall be performed by the governor of the province where the river concerned is located.

SEC. 9. *Administration of Class B Rivers on the Provincial Boundaries.* - With regard to the part of a Class B River forming or crossing the boundary between two or more provinces, the provincial governors concerned shall fix a special system of administration.

CHAPTER 4 CREATION OF THE NATIONAL RIVER COUNCIL

SEC. 10. *The National River Council.* - To serve as advisory council for the river administrators, there shall be created the National River Council, hereinafter referred to as the Council, which will be tasked to provide strategic proposals on resource management of the country's rivers. It shall be composed of the Secretary of the Department of Public Works and Highways (DPWH) as Chairman, and the head of the National Water Resources Board (NWRB) as Vice Chairman and shall have the following as members:

- (a) One (1) representative from the National Economic and Development Authority (NEDA)
- (b) One (1) representative from the Department of Environment and Natural Resources (DENR);
- (c) One (1) representative from the Department of Science and Technology (DOST);
- (d) One (1) representative from the Department of Agriculture (DA);
- (e) One (1) representative from the Department of Energy (DOE);
- (f) One (1) representative from the National Hydrology Research Center (NHRC) of the University of the Philippines (UP);

- (g) One (1) representative from the National Water Resources Board (NWRB);
- (h) One (1) representative from the National Institute for Geological Sciences (NIGS) of UP;
- (i) One (1) representative from the Philippine Atmospheric Geophysical and Astronomical Services Administration (PAGASA);
- (j) One (1) representative from the NDRRMC; and
- (k) One (1) representative from the Climate Change Commission.

The Secretary of the DPWH shall appoint additional two (2) members from the private sector who are experts on rivers, two (2) representatives from the private industrial, irrigation, hydro power users, and two (2) non-government organizations (NGOs) in the field of water resource management and conservation.

SEC. 11. *Powers and Functions of the Council.* - The Council, shall have the following powers and functions:

- (a) Develop a National River Plan which shall provide river administrators strategic proposals on effective river and river water management based on changing needs and priorities of the country. The plan will be based on inputs collected from opinions of water use experts, water users, and other stakeholders. This plan shall serve as the principal guide in the formulation of river administration and improvement plans throughout the country and shall be reviewed on a 5-year interval, or as may be deemed necessary, to ensure its relevance;
- (b) Designate river water systems, on the basis of their importance to environmental conservation and/or to the national economy, as Class A Rivers;
- (c) Ensure the competence of river administrators in the discharge of their duties by providing them with institutional and technical support and monitor their compliance with the river administration and improvement plans;
- (d) If the river administrator fails to discharge his duties the Council may designate the Secretary of the DPWH as river administrator until such time that a competent river administrator shall have taken his place;
- (e) Upon the request of the Secretary of the DPWH, the Council shall conduct deliberations on matters which are important in achieving effective river administration in the country.

SEC. 12. *Provincial River Councils.* - There shall be created Provincial River Councils empowered to coordinate, supervise, and monitor the river administration activities of the Class B Rivers to ensure their consideration of the current National River Plan. It shall be composed of the Provincial Governor, as Chairman, the Regional Director of NEDA as Vice Chairman, and the following as members:

- (a) The Provincial Vice-Governor and the Board Members;
- (b) One (1) representative from the DENR;

- (c) One (1) representative from the DPWH;
- (d) One (1) representative from the LDRRMOs;
- (e) Three (3) representatives from the private sectors coming from the private industrial, commercial, and agricultural users;
- (f) One (1) NGO representative with expertise in the field of water conservation; and
- (g) One (1) representative from the academe with expertise in water issues.

CHAPTER 5 PLANNING OF RIVER ADMINISTRATION

SEC. 13. *Fundamental River Management Policy.* - The river administrator shall determine the flood discharge, river water quality, as stipulated in the *Clean Water Act of 2004* and other related enactments which shall be the basis for a “fundamental river management policy” of river works and river maintenance, hereinafter referred to as “river improvement”.

There shall be established a fundamental river management policy for each river system to ensure comprehensive administration of the rivers in the water system, by taking into consideration the conditions of flood damage frequency, present status of water resources utilization, their development and the fluvial environment.

SEC. 14. *The River Improvement Plan.* - River administrators shall establish a plan to improve the river concerned hereinafter referred to as the “river improvement plan” and comply with the following fundamental policies:

- (a) The river administrator shall undertake necessary measures to maintain the quality of the water of the river, based on standards set by the DENR under Section 19 of the *Clean Water Act of 2004*, and to prevent the occurrence of disasters and/or mitigate damages for those areas where disasters frequently occur due to precipitation, topography, geology and other conditions.
- (b) In drafting a river improvement plan, a river administrator shall consult those with academic background and expertise;
- (c) In consideration of the preceding paragraph, river administrators shall take necessary measures, such as public hearings, among others, to reflect the opinion of the people concerned whenever necessary;
- (d) When a river administrator establishes a river improvement plan, he/she shall make public notification without delay;
- (e) The river improvement plan should be harmonized with the respective national and local disaster risk reduction and management plans and the National and Local Climate Change Action Plan.

CHAPTER 6 ADMINISTRATIVE RIVER MANAGEMENT

SEC. 15. *Administrative River Management.* - The river administration consists of Administrative jobs, the Preparation and Maintenance of River Ledgers, Facility Construction and Management, and the Provision of legal Permissions and Regulations.

SEC. 16. *Preparation of River Ledgers.* - A river administrator shall prepare a set of river ledgers for the rivers he administer, and keep it in custody, in he following manner:

- (a) The set of river ledgers shall comprise a register of present river conditions and a register of water utilization.
- (b) The items to be entered in the river ledgers and other necessary matters concerning their preparation and custody shall be provided for in the implementing rules and regulations of this act; and
- (c) When the river administrator receives a request for permission of perusal of the river ledgers, he shall not refuse it unless there is justifiable reason.

SEC. 17. *Data Collection, Investigation and Survey.* - With the help of relevant government agencies such as the DENR, DOST, the river administrator shall collect or conduct surveys on the hydrologic data, such as rainfall, water level and flood discharge; topographic data, such as aerial photographs, survey map, cross section, flooded areas, among others; geologic data, such as site geology, material, ground water level, fault, crack, among others; flood and drought damages, water quality, flora and fauna, and other data regularly. River administrators shall also investigate or analyze various river and basin date for the suitable river management.

CHAPTER 7 CONSTRUCTION OF RIVER WORKS AND MANAGEMENT OF RIVER ADMINISTRATION FACILITY

SEC. 18. *Classification of River Works.* - River works and other works are classified by the following items:

- (a) River works by the river administrator - This includes works executed under the River Improvement Plan; urgently executed for the repair and restoration of a river administration facility; and river works executed by persons other than the river administrators built for joint use, herein referred to a joint use facilities;
- (b) River works by a person other than the river administrator – This include those river works executed after the river administrator's approval; executed for a compensatory work necessitated by another person's work which affects the river; and the construction of joint use facilities; and
- (c) Works other than river works by the river administrator – This includes works executed for an incidental work necessitated by river works and those executed for maintenance of a river administration facility.

SEC. 19. *River Works by Cities and Municipalities.* - Notwithstanding the provisions under Sections 38 to 40 of this Act, a city or municipal head may carry out river works or river maintenance on designated section of the Class A and/or B Rivers, upon permission of the concerned river administrator.

SEC. 20. *Operation of River Administration Facility.* - The river administrator shall prepare "Operational Regulation for the River Administration Facility" for the main facilities (dam, weir, gate, among others) and operate properly according the Regulations provided for under this Act.

SEC. 21. *Maintenance Work.* - The river administration facility shall be maintained in good condition. It includes the daily or periodic maintenance, inspection, and cleaning on structures, facilities, machinery, revetments, river space, such as: weeding, redressing, cutting down assorted trees, removing dust; and the daily patrol along rivers.

SEC. 22. *Structural Standards for River Administration Facilities.* - River administration facilities must be structurally safe in consideration of water level, flow, topographical and geologic conditions and other river conditions, water pressure, and other anticipated loads.

The river's historical water levels, flow, and where possible, projected levels, flow and other loads due to climate change, shall be considered.

Technical standards necessary for river administration and applicable to dams, levees and other major river administration facilities as well as river structures established, shall be stipulated in the IRR of this Act.

The river administrator shall, for such dams, weirs, sluices, and other facilities involving operations, out of the river administration he administers, establish respective operation regulations, as may be provided for in details in the IRR of this Act.

When the river administrator intends to establish or change the operation guidelines or execute a river work, which may have a marked effect on a river administered by another river administrator/s, the river administrator, shall, in advance consult with the other river administrator/s.

CHAPTER 8 ANNUAL FEES GENERATED FROM RIVER AND WATER USE

SEC. 23. *Annual Fees.* - River administrators are hereby authorized to collect annual fees for the use of river and river water resource for all beneficial purposes including fisheries, aquaculture, municipal, industrial, agricultural including irrigation, hydroelectric power generation, transport and navigation waste disposal purposes, and recreation, among others. All the fees collected shall be accordingly appropriated for the sustainable development plan, and shall not be limited to the National Treasury as an exemption to the provisions of Presidential decree No. 1234.

CHAPTER 9

REGULATIONS AND RESTRICTIONS FOR THE RIVER AND RIVER WASTE WATER USE

SEC. 24. *Permission for Land Occupancy.* - Any person who intends to occupy land within a river zone shall obtain a permission on the river administrator.

SEC. 25. *Permission for Construction, Reconstruction, or Removal of Structures within a River Area.* - Any person who intends to construct, reconstruct or remove a structures on the land, within a river zone shall obtain a permission of the river administrator.

SEC. 26. *Permission for Gathering of Soil, Sand, Stone from a River Area.* - Any person who intends to gather soil, sand, stone or other similar material within a river zone shall obtain the permission of the river administrator.

SEC. 27. *Permission for Land Excavation.* - Any person who seeks to excavate, bank, cut or carry out any other acts that alters the shape of land and river zones or seeks to plant or cut trees on land in river zones shall obtain permission from the river administrator.

SEC. 28. *Permission for Planting or Felling of Trees.* - Any person who seeks to plan or fell trees within a river zone shall obtain permission from the river administrator.

SEC. 29. *Prohibitions, Restrictions and Permission for Floating of Trees and Passage of Boats* – The floating of trees, bamboo down a river and the passage of boats and rafts are prohibited or restricted, until obtaining permission of the river administrator for such acts.

SEC. 30. *Prohibition, Restrictions and Permission for Act likely to hinder River Administration.*- Acts which are likely to hinder river administration by affecting the course, cleanliness, discharge, width, or depth of the water, may be prohibited or restricted until a permission of the river administrator is obtained for such act.

SEC. 31. *Prohibition of use of Structures built without Permission.* - The use of structures built without the permission of the river administrator is prohibited, until a permission of the river administrator is obtained for such acts.

SEC. 32. *Use of Permanent Structures.*- Any person permitted under Section 21 shall pass the completion inspection by the river administrator before being allowed the use of the structure. A person who constructs or reconstructs a dam may use the said structure only after it has been subject to and passed a completion check by the river administrator.

CHAPTER 10

REGULATION IN DAM CONSTRUCTION AND OPERATION

SEC. 33. *Maintenance of Existing Functions of River.* - In the case where the condition of a river changes as a result of the construction of a dam and the former functions of the river are diminished during a flood, a person/the entity who constructed the dam in order to store or intake the flowing water and which has a height from the foundation to the crest of at least 15 meters- hereinafter referred to as water utilization dam, must establish facilities necessary to maintain the said functions in accordance with the directions of the river administrators.

SEC. 34. *Monitoring of Hydrologic Situations.* - A person/entity who owns a water utilization dam shall construct observation facilities and observe the water stage, discharge and precipitation in accordance with the standards which may be addressed in the IRR

SEC. 35. *Report on the Dam Operations.* - When a flood occurs or when it is projected that flooding may occur, the owner of a water utilization dam referred to in the preceding article shall report the results of observation under the provisions of the same article and the condition of operation the dam to the river administrator, the governor and the National Disaster Risk Reduction and Management Council (NDRRMC) as may be provided of in the detail by the IRR of this Act.

SEC. 36. *Regulation for Dam Operations.* - When the owner of a water utilization dam intends to use the dam for the purpose of storing or taking river water, he shall establish regulations for operating it and obtain the approval of the river administrator concerning the regulations, as may be provided for in details by the IRR of this Act. The same shall apply in case he intends to revise the regulations.

SEC. 37. *Preventive Measures for Damage.* - Whenever the owner of water utilization dam deems that the operation of the dam will cause a considerable change in the condition of the river water and so it is necessary for the prevention of the resulting harm, he shall in advance report the fact to the river administrator, LGUs concerned and the heads of the police stations concerned and take the necessary steps to make it known to the public, as may be provided for in detail by the IRR of this Act.

SEC. 38. *Preparation and Custody of Operation Record.* - The owner of a water utilization dam shall prepare a record of the operation of the dam whenever a flood occurs, keep it, and, when demanded to submit it by the river administrator, submit it without delay to the river administrator, as may be provided for in detail by the IRR of this Act.

SEC. 39. *Appointment of a Chief Superintended for a Dam.* - In case the owner of a water utilization dam uses the dam for the purpose of storing or taking river water, he shall appoint as chief superintendent for a dam, an engineer possessing the qualifications fixed by the IRR of this Act for proper execution of the maintenance, operation and other administration of the dam.

SEC. 40. *Instructions for Flood Control.* - In case a disaster has been caused or there is a strong probability that a disaster will be caused by floods, if the river administrator deems it of urgent necessity for preventing or minimizing the disaster, in consultation with the NDRRMC, he may instruct the owner of the water utilization dam that he should, on the basis of overall consideration of the conditions of the rivers belonging to the water system, take necessary steps in connection with the operation the dam to prevent or minimize the disaster.

CHAPTER 11 STEPS TO BE TAKEN DURING DROUGHTS

SEC. 41. *Water Conciliation during Droughts.* - In case an unusual drought makes it difficult to adequately use the river water for the permitted utilization purposes or when such a situation is expected, river administrators, in consultation with the NWRB, shall provide the necessary information for water use conciliation.

SEC. 42. *Exceptional Arrangement for Water use during droughts.* - In the event of a drought, a Drought Conciliation Council, which will coordinate water intake during droughts, shall be convened, and organized by all stakeholders. This includes the river administrator, the LGUs, the line agencies concerned, and the water users.

SEC. 43. *Avoidance of Water Shortage.* - To avoid water shortage, the river administrator shall set a target of safety measure against drought and shall permit, in consultation with the NWRB, every new water use only in case of no influence to this target and existing water users.

CHAPTER 12 STEPS TO BE TAKEN FOR FLOODING

SEC. 44. *Flood-Fighting Preparation.* - During normal times, the DPWH Secretary and governors, in their capacity a river administrators, in connection with the NDRRMC and the local disaster risk reduction and management councils, shall formulate their own flood-fighting plans for coordination and implementation of flood-fighting activities. The flood-fighting plan shall be integrated in the Local Disaster Risk Reduction and Management Plans of LGUs. As river administrators, they shall be in charge in the public announcement of flood-prone areas along rivers.

SEC. 45. *Flood-Fighting Warning.* - The DPWH Secretary shall issue a flood-fighting warning in consultation with the NDRRMC, for designated rivers, lakes, and other bodies of water that could cause a serious loss to the national economy due to a flood or high tide. The governors shall issue the same for their designated rivers, lakes and other bodies of water other than those administered by the DPWH Secretary.

SEC. 46. *Flood-Fighting Activities.* - Flood-fighting shall be in the hands of flood-fighting organizations or the LDRRMCs that will patrol the rivers and seas dikes form time to time.

(a) During normal times, flood-fighting organizations shall be in charge in the preparation of flood-fighting storage, communication tools, and the conduct of drills in their respective jurisdiction. More importantly, they shall also develop flood hazard maps in coordination with the river administrators, the NDRRMC-DENR and other relevant agencies.

(b) During the actual flood, flood-fighting organizations shall be in charge of flood warning and patrol, and the implementation of levee protection activities. Flood-fighting organizations shall be in charge of providing real time information on flooded areas and flood water depth after the commencement of flooding of major rivers.

CHAPTER 13 ENFORCEMENT MEASURES

SEC. 47. *River Guards.* - River administrators may appoint river guards from among their staff members who shall apprehend violators of the provisions of this Act.

SEC. 48. *Penalties.* Any person who violates any of the provisions of this Act or its implementing rules and regulations, shall be fined in the amount of not less than ten thousand pesos (Php 10,000.00) nor more than two hundred thousand pesos (Php 200,000.00). The fines herein

prescribed shall be increased by ten percent (10%) every two (2) years to compensate for inflation and to maintain the deterrent function of such fines.

SEC. 49. *Administrative Sanctions Against Non-compliance with this Act.* - Local government officials concerned shall be subject to administrative sanctions in case of failure to comply with the provisions of this Act in accordance with the relevant provisions of Republic Act No. 7160.

CHAPTER 14 FINAL PROVISIONS

SEC. 50. *Implementing Rules and Regulations.* - The DPWH, in coordination with the DENR, the NWRB and other concerned agencies shall promulgate the implementing rules and regulations for this Act., within six (6) months after its implementation.

The draft of the implementing rules and regulation shall be published and be the subject of public consultations with affected sectors.

There shall be an annual mandatory review of the implementing rules and regulations and the standards set pursuant to the provisions of this Act.

SEC. 51. *Repealing Clause.* - All laws, orders, rules and regulations, or portions thereof, inconsistent with this Act are hereby repealed and modified accordingly.

SEC. 52. *Separability Clause.* - If any provisions of this Act or the application of such provision to any person or circumstances be declared unconstitutional, the remainder of this Act or the application of such provision to other person or circumstances shall not be affected by such declaration.

SEC. 53. *Effectivity Clause.* - This Act shall take effect fifteen (15) days from the date of its publication in the Official Gazette or in two (2) newspapers of general circulation.

Approved,