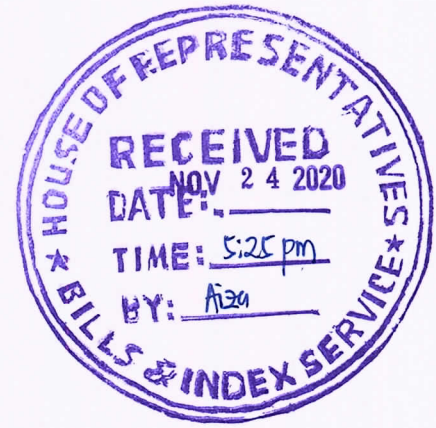


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

EIGHTEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. 8075



Introduced by Representative Stella Luz A. Quimbo

**AN ACT INSTITUTIONALIZING A 10-YEAR MASTERPLAN FOR FLOOD
MANAGEMENT, INCREASING PENALTIES FOR VIOLATIONS OF
ENVIRONMENTAL LAWS, APPROPRIATING FUNDS THEREFOR,
AND FOR OTHER PURPOSES**

EXPLANATORY NOTE

In November 2020, a series of typhoons hit the country, killing and injuring hundreds of Filipinos, displacing thousands of victims, and destroying millions-worth of properties. Typhoon Rolly, eventually joined by Typhoon Quinta, wreaked havoc in the Bicol Region, with Signal No. 5 raised in Albay and Camarines Sur provinces. As expected, their rivers overflowed and flash floods were the result.

Two weeks after, Typhoon Ulysses brought massive destruction and inundated provinces, cities, and towns in Luzon. Flood levels were unusually high, and lethal, with some areas still under water even after the typhoon was well beyond the Philippine area of responsibility. Most notably, in Marikina City, Pasig City, and the provinces of Rizal, Cagayan, and Isabela, people were forced to climb up the roofs of their houses and await rescuers. Worse, some drowned during the onslaught.

After the weather calmed and the floods subsided, evacuees returned to their homes, which lay in shambles, to find their hard-earned properties destroyed, their livelihoods uprooted. Some do not even know how to begin the process of recovery or where to get pecuniary assistance to rebuild their lives.

Perhaps the worst of it is that such tragedies could have been avoided with proper mitigation measures in place. Over a decade after Typhoon Ondoy battered the Philippines, we have failed to learn from our experience. Long-term reforms have to be instituted now to build a disaster-resilient country. There is a need to institutionalize a long-term masterplan for flood management. The government has

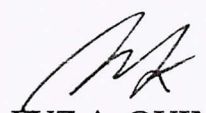
to reverse the environmental degradation that spurred these intense floodings. An institutionalized and comprehensive plan, coupled with timely and adequately funded implementation, can realize such an objective, thereby saving lives.

The origin of these problems lies not only in natural processes. Human activities worsened the climate that Filipinos experience now. A case in point is the continued unpermitted quarrying and illegal logging at the Marikina Watershed. Since that protected area in Rizal drains in the Marikina River, its ability or inability to hold water will translate to disastrous effects in low-lying areas like Marikina City. The destructive activities reported in the Watershed have literally shaved off its trees thus, large volumes of waters from upstream flow mercilessly to the lowlands. This behooves Congress, as a representative of disaster-stricken Filipinos, to increase penalties against these violations as a means to provide the law more teeth in curbing the illegal activities.

To prevent further deaths and damage to property, the necessary flood management infrastructure must also be constructed. Because of the continued degradation of natural land features such as the Sierra Madre and the Marikina Watershed that lessens its capacity to protect those in the lowlands, artificial structures like dams and retention basins are needed alongside environmental restoration for our improved resilience to natural disasters. Such multi-year projects that meet international standards have to be institutionalized to ensure expedient, efficient, and continued implementation spanning successive administrations.

To materialize, these infrastructure projects have to be adequately funded. The country must take advantage of its credit rating, financial expertise, and economic potential to ensure sufficient funding for the programs under the Masterplan. One life lost to flooding is one too many as the Filipino life is priceless. To avert losses and prevent ever more deaths, willed and aggressive financing has to take place so that the Masterplan can succeed.

In view of the foregoing, and the urgency of the climate crisis, the expedient passage of this bill is earnestly sought.



STELLA LUZ A. QUIMBO, PhD
Representative
Second District, Marikina City

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AND FOR OTHER PURPOSES**

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

SEC. 1. Short Title. - This Act shall be known as the "Flood Management Act of 2020".

SEC. 2. Declaration of Policy. - It is hereby a declared policy of the State to uphold the constitutional rights of people to life and property by identifying and addressing the main causes of vulnerabilities to disasters and reinforcing the institutional capacity of the country to withstand calamities.

Furthermore, it is the policy of the State to provide necessary public goods, like flood control infrastructure, to curb the water-related risks that come from natural disasters.

SEC. 3. Establishment of a National Flood Management Masterplan - There is hereby established a National Flood Management Masterplan. Within two (2) months from the effectivity of this Act, the Infrastructure Committee of the National Economic and Development Authority (NEDA) Board is hereby directed to review and assess the current Flood Management Masterplan for Metro Manila and Surrounding Areas (the "Masterplan") approved by the NEDA board in 2012 and identify targets and reforms, as needed, for the purpose of ensuring its expedient and efficient implementation.

The Committee is likewise directed to expand the Masterplan to cover other areas of Luzon, Visayas, and Mindanao.

SEC. 4. Inter-Agency Task Force for Flood Management. - There is hereby created an Inter-Agency Task Force for Flood Management (the "Task Force") which shall ensure and oversee the implementation of the adopted Masterplan and coordinate the programs and activities of its member-agencies.

The Task Force shall be headed by the NEDA Director General as Chairperson, with the Secretary of Public Works and Highways, Secretary of Environment and Natural Resources, Chairperson of the National Commission on Indigenous Peoples, Director of the University of the Philippines Diliman-National Institute for Geological Sciences, Administrator of the Philippine Atmospheric, Geophysical and Astronomical Services Administration (PAGASA), and chief executives of concerned LGUs as members.

The Task Force is hereby directed to coordinate with national government agencies and local government units for the efficient implementation of the Masterplan. It shall also submit an annual report to the Oversight Committee referred to in Section 12 hereof regarding the status of the structural and non-structural interventions in the Masterplan.

SEC. 5. Duties and functions of the DPWH. - The Department of Public Works and Highways (DPWH) is hereby designated as the lead implementing agency of the Masterplan. As such, it shall:

- a.) Implement the Masterplan immediately after the NEDA Board Infrastructure Committee has established the same;
- b.) Propose a budget for the implementation of the Masterplan, in coordination with the Task Force;
- c.) Submit a quarterly report to the Task Force regarding the progress of the implementation of the Masterplan; and
- d.) Coordinate and consult with concerned agencies, including but not limited to the Department of Environment and Natural Resources (DENR) and PAGASA, regarding complementary activities within the purview and the technical expertise of the said agencies which are necessary for the effective implementation of the Masterplan.

SEC. 6. International Panel of Experts. - The Task Force shall engage a panel composed of international experts for technical support and to ensure that projects implemented under the Masterplan adhere to international quality standards.

SEC. 7. Increased Penalty for Illegal Quarrying. - Section 108 of Republic Act No. 7942 is hereby amended to read as follows:

"Section 108. Violation of the Terms and Conditions of the Environmental Compliance Certificate. - Any person who willfully violates or grossly neglects to abide by the terms and conditions of the environmental compliance certificate issued to said person and which causes environmental damage through pollution **OR QUARRYING** shall suffer the penalty of

imprisonment of ~~six (6) months to six (6) years~~ **FOR A MINIMUM OF SIX (6) YEARS TO A MAXIMUM OF TWELVE (12) YEARS** ~~or AND a fine of Fifty thousand pesos (P50,000.00) to Two hundred thousand pesos (P200,000.00), or both,~~ **FIVE HUNDRED THOUSAND PESOS (P500,000.00) TO FIVE MILLION PESOS (P5,000,000.00),** at the discretion of the court."

Section 77 of Presidential Decree No. 705 is hereby amended to read as follows:

"SECTION 77. Cutting, Gathering and/or collecting Timber, or Other Forest Products Without License. – Any person who shall cut, gather, collect, removed timber or other forest products from any forest land, or timber from alienable or disposable public land, or from private land, without any authority, or possess timber or other forest products without the legal documents as required under existing forest laws and regulations, shall be punished with the penalties imposed under Articles 309 and 310 of the Revised Penal Code **AND A FINE OF AT LEAST FIVE HUNDRED THOUSAND PESOS (P500,000.00) BUT NO MORE THAN TWO MILLION PESOS (P2,000,000.00):** Provided, That in the case of partnerships, associations, or corporations, the officers who ordered the cutting, gathering, collection or possession shall be liable, and if such officers are aliens, they shall, in addition to the penalty, be deported without further proceedings on the part of the ~~Commission on~~ **BUREAU OF** Immigration and Deportation.

xxx"

SEC. 8. Exclusive Authority to Issue Permit to Quarry. – Notwithstanding any law to the contrary, the DENR is hereby granted the exclusive authority to issue permits to extract sand, gravel, and other quarry resources.

SEC. 9. Exemption from the regular bidding process of procurements made to respond to calamities. – Notwithstanding any law to the contrary, the President can grant exemption from the regular bidding process provided in Republic Act No. 9184 or the "Government Procurement Reform Act" and other relevant laws to procurements made for the construction or maintenance of flood management infrastructure to respond to natural or man-made calamities.

SEC. 10. Authority of the President to Suspend the Requirements for National and Local Permits, Licenses and Certifications, and to Streamline and Expedite the Process for the Issuance thereof. - Notwithstanding any law, decree, order or ordinance to the contrary, the President shall have the authority to:

- (a) Accelerate and streamline regulatory processes and procedures for applications for permits, licenses, clearance, certifications or authorizations for constructing flood management infrastructures, including fixing or shortening the periods provided under existing laws, regulations, issuances, and ordinances; and

- (b) Suspend or waive the requirements in securing such permits, licenses, clearance, certifications or authorizations.

SEC. 11. Upgrading the salary of forest rangers. - The entry level salary of the forest ranger position shall be at Salary Grade 18. In coordination with the Department of Budget and Management, the DENR shall create additional positions where augmentation of its enforcement manpower is necessary.

SEC. 12. Creation of an Oversight Committee. - For this purpose, Congress shall establish a Joint Congressional Oversight Committee composed of four (4) members of each House to be appointed by the Senate President and the House Speaker, respectively. This Committee shall determine whether such acts, orders, rules, and regulations are within the restrictions provided herein.

SEC. 13. Appropriations. - The corresponding amount required for the construction and maintenance of flood management infrastructure nationwide pursuant to the Masterplan shall be appropriated on a multi-year basis and included in the General Appropriations Act each year following the effectivity of this Act.

The DPWH may also tap the official development assistance (ODA) of the Philippines' Donor countries and institutions for concessional loans on a long-term repayment basis for additional funding as needed to implement the provisions of this Act.

SEC. 14. Implementing Rules and Regulations. - The NEDA and DPWH shall, within sixty days after the effectivity of this Act, formulate the necessary rules and regulations for its effective implementation.

SEC. 15. Separability Clause. - If any provisions or part of this Act is held invalid or unconstitutional, the remainder of the law or the provision not otherwise affected shall remain valid and subsisting.

SEC. 16. Repealing Clause. - Section 138 of Republic Act No. 7160, otherwise known as the "Local Government Code of 1991", is hereby amended insofar as the provision thereof is inconsistent with this Act.

All other laws, decrees, executive orders, letters of instruction, administrative orders, rules, or regulations contrary to or inconsistent with the provisions of this Act are hereby repealed, modified, or amended accordingly.

SEC. 17. Effectivity Clause. - This Act shall take effect fifteen (15) days after its publication in at least (2) newspapers of general circulation.

Approved,