

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

NINETEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 492



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

Due to its geographic location, the Philippines is often considered as one of the most susceptible countries to disasters. The World Economic Forum ranked the Philippines 8th out of 181 countries in disaster risk in 2021, with a World Risk Index of 21.39.¹ This ranking went as high as 3rd in 2018, with a World Risk Index of 25.14. The country consistently scores high in the components of the World Risk Index, namely, Exposure, Vulnerability, Susceptibility, Coping, and Adaption to disasters. Both the statistics and lived experience have shown that the country is ill-equipped to deal with natural disasters, despite their frequent occurrences.

Amongst the most common natural disasters that the Philippines experiences are of the meteorological type, in particular typhoons and the subsequent flooding they bring about. An ADB study stated that over 80% of the natural disasters experienced by the Philippines in the last half-century meteorological in nature.² Indeed, from 2010 to 2019, meteorological disasters posted the highest number of major incidents, at 120.³

These events can and often occur within close proximity with one another. In November 2020, for example, 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,

¹ [World Economic Forum, World Risk Report 2021](#)

² [Natural Disasters, Public Spending, and Creative Destruction: A Case Study of the Philippines \(adb.org\)](#)

³ [Damages Due to Natural Extreme Events and Disasters Amounted to PhP 463 Billion | Philippine Statistics Authority \(psa.gov.ph\)](#)

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

1 SECTION 1. *Short Title.* - This Act shall be known as the "Flood Management Act of
2 2022".

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

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

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

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

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

22 The Task Force shall be headed by the NEDA Director General as Chairperson, with
23 the Secretary of Public Works and Highways, Secretary of Environmental and Natural
24 Resources, Chairperson of the National Commission in Indigenous Peoples, Director
25 of the University of the Philippines Diliman-National Institute for Geological Sciences,

1 Administrator of the Philippine Atmospheric, Geophysical and Astronomical Services
2 Administration (PAGASA), and the chief executives of concerned LGUs as members.

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

8 SECTION 5. *Duties and Functions of the DPWH.* - The Department of Public Works
9 and Highways (DPWH) is hereby designated as the lead implementing agency of the
10 Masterplan. As such, it shall:

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

22 SECTION 6. *Panel of Experts.* - The Task Force shall engage a panel of international
23 and local experts for technical support and to ensure that projects implemented under
24 the Masterplan adhere to international quality standards.

25 SECTION 7. *The Increased Penalty for Illegal Quarrying.* - Section 108 of Republic
26 Act No. 7942 is hereby amended to read as follows:

27 **"Section 108. Violation of the Terms and Conditions of the Environmental**
28 **Compliance Certificate.** – Any person who willfully violates or grossly neglects
29 to abide by the terms and conditions of the environmental compliance certificate
30 issued to said person and which causes environmental damage through
31 pollution **OR QUARRYING** shall suffer the penalty of imprisonment of six (6)
32 months to six (6) years **FOR A MINIMUM OF SIX (6) YEARS TO A MAXIMUM**
33 **OF TWELVE (12) YEARS** or **AND** a fine of Fifty thousand pesos (P50,000.00)
34 to Two hundred thousand pesos (P200,000.00), or both, **FIVE HUNDRED**
35 **THOUSAND PESOS (P500,000.00) TO FIVE MILLION PESOS**
36 **(P5,000,000.00),** at the discretion of the court."

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

38 "SECTION 77. Cutting, Gathering and/or collecting Timber, or Other Forest
39 Products Without License. – Any person who shall cut, gather, collect, removed
40 timber, or other forest products from any forest land, or timber from alienable or
41 disposable public land, or from private land, without any authority, or possess
42 timber or other forest products without the legal documents as required under
43 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"

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

SECTION 9. *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 provide under existing laws, regulations, issuances, and ordinances; and

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

SECTION 10. *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.

SECTION 11. *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.

SECTION 12. *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.

SECTION 13. *Implementing Rules and Regulations.* - The NEDA and DPWH shall, within sixty (60) days after the effectivity of this Act, formulate the necessary rules and regulations for its effective implementation.

1 SECTION 14. *Separability Clause.* – If any provisions or part of this Act is held invalid
2 or unconstitutional, the remainder of the law or the provision not otherwise affected
3 shall remain valid and subsisting.

4 SECTION 15. *Repealing Clause.* – Section 138 of Republic Act No. 7160, otherwise
5 known as the "Local Government Code of 1991", is hereby amended insofar as the
6 provision thereof is inconsistent with this Act.

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

10 SECTION 16. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its
11 publication in at least (2) newspapers of general circulation.

12 *Approved,*