

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

19th Congress
First Regular Session

House Bill No. **1889**



Introduced by Hon. Ma. Theresa V. Collantes

EXPLANATORY NOTE

This bill seeks for the sustainable and viable development of the Taal Lake Area, more specifically the Taal Volcano Island, Taal Lake and its tributaries, through the creation of the Taal Lake Development Authority (TLDA).

The perennial onslaught on the ecological balance of the Taal Lake needs immediate response. There is a real need to protect and conserve the ecological, biological, scientific, educational and recreational features of the area. There is indeed a need to prevent the undue ecological disturbances, deterioration and pollution of the area.

Most importantly, there is now a need to establish a national entity that shall oversee, address, protect and develop the Taal Lake Area particularly on matters of environmental protection, poverty alleviation, local autonomy, eco-tourism and sustainable growth.

The Taal Lake Development Authority shall likewise undertake measures to conserve the natural resources and promote the accelerated socio-economic development of the area, as well as to formulate plans, programs and projects and ensure their implementation. The Authority shall effect the preservation of the natural beauty of the environment, the development of the area as an eco-tourism zone and the implementation of programs and projects that would generate local economies and livelihood development for its stakeholders.

The Taal Lake has a distinct and unique environment and ecosystem. It is now imperative to truly and urgently protect, conserve, promote and oversee it, so that it can remain one of the country's "crown jewels" for the enduring benefits and pleasure of the Filipino people and tourist alike.

In view of the foregoing, the immediate approval of this bill is earnestly sought.


HON. MA. THERESA V. COLLANTES

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

19th Congress
First Regular Session

House Bill No. **1889**

Introduced by Hon. Ma. Theresa V. Collantes

AN ACT
CREATING THE TAAL LAKE DEVELOPMENT AUTHORITY, PRESCRIBING ITS
POWERS, FUNCTIONS AND DUTIES, PROVIDING FUNDS THEREFOR, AND FOR
OTHER PURPOSES

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

CHAPTER I

TITLE

SECTION 1. *Title* - This Act shall be officially known as TAAL LAKE DEVELOPMENT AUTHORITY (TLDA) ACT of 2019.

CHAPTER II

DECLARATION OF POLICY

SECTION 2. *Declaration of Policy* - It is hereby declared to be the national policy to promote and accelerate the development and balanced growth of the Taal Lake area within the context of the national and regional plans and policies for social and economic development and to carry out the development of the Taal Lake area with due regard for environmental management and control, preservation of the quality of human life and ecological systems, formulation of programs that will ensure food security, promotion of eco-tourism and the prevention of undue ecological disturbances, deterioration and pollution.

CHAPTER III

DEFINITION OF TERMS

SECTION 3. *Definition of Terms* –

- 1) Act – Whenever used in this Act shall refer to the enabling Act creating the Taal Lake Development Authority (TLDA);

- 2) Authority – Whenever cited in this Act shall mean the Taal Lake Development Authority;
- 3) Council – shall always refer to the Taal Lake Development Council, the governing board of the Taal Lake Development Authority;
- 4) Area – means the Taal Lake Area that is defined by Section 7 of this Act.

CHAPTER IV

CREATION OF AUTHORITY

SECTION 4. – *Taal Lake Development Authority created* – To carry out the provisions of this Act, there is hereby created the Taal Lake Development Authority, which shall be organized within one hundred twenty (120) days after the approval of this Act. The Authority shall execute the powers and functions herein vested and conferred upon it in such a manner as will, in its judgment, aid to the fullest possible extent in carrying out the aims and purposes set forth below, without diminution of the autonomy of the government units concerning purely local matters.

The Taal Lake Development Authority shall be placed under the Office of the President.

SECTION 5. – *Location of the Principal Office* – The Authority shall maintain its principal office at a convenient place within or near the area, but it may have branch offices in such other places as are necessary for the conduct of its operation.

CHAPTER V

WATER RIGHTS

SECTION 6. - *Water rights over Taal Lake and its tributaries.* - To effectively regulate and monitor activities in the Taal Lake area and to carry out the Authority's plans, programs and projects, the Authority shall have exclusive jurisdiction and water rights over Taal Lake and its tributaries.

CHAPTER VI

SCOPE

SECTION 7. – *Taal Lake Area: scope* – The Taal Lake Area settlement are the cities of Tanauan and Lipa and the municipalities of Agoncillo, Alitagtag, Balete, Cuenca, Laurel, Malvar, Mataas na Kahoy, San Nicolas, Sta. Teresita, Sto. Tomas, Talisay and Taal, all in the Province of Batangas. This also specifically includes the Taal Volcano Island, Taal Lake and its tributaries.

CHAPTER VII

ECO-TOURISM AND AQUACULTURE ZONE

SECTION 8. – *Taal Lake Area: an eco-tourism and aquaculture zone* – The Taal Lake Area shall be declared an eco-tourism and aquaculture zone and as such shall be accorded priority development by government agencies and instrumentalities and the local government units comprising therewith.

CHAPTER VIII

POWERS AND FUNCTIONS OF THE AUTHORITY

SECTION 9. – *Powers and functions of the Authority* – The Authority shall have the following powers and functions:

- a) To make a comprehensive survey of the physical and natural resources and potentialities of the Taal Lake Area particularly its social and economic conditions, hydrological characteristics, power potentials, development of scenic and tourists spots, conservation of water resources and such other matters, and on the basis thereof, to draft a comprehensive and detailed plan designed to conserve and utilize optimally the resources within the area, to promote its rapid social and economic development and upon approval by the National Economic Development Authority (NEDA) Board of such plan, to implement the same including projects in line with the said plan: *Provided*, That implementation of all fisheries plans and programs of the Authority shall require prior consensus of the Bureau of Fisheries and Aquatic Resources (BFAR) to ensure that such plans and programs are consistent with the national fisheries plans and programs. For the purpose of the said survey, public agencies shall submit and private entities shall provide necessary data.

The guidelines for the comprehensive and detailed plans are based on the following:

- 1) Preservation of the area's natural beauty, protection of its ecological balance and enhancement of its environment;
 - 2) Maximum enjoyment and easy access by ordinary people to public areas;
 - 3) Rational land-use and zoning plan considering that Taal Volcano Island in particular is a national asset, being a tourist destination of Filipinos from all parts of the country as well as foreign visitors;
 - 4) Prohibition/control of unusually tall, unstable and obstructive structures obscuring public view of the natural beauty of the surroundings in accordance with the zoning ordinances of the local government units concerned and subject to pertinent laws, rules and regulations on the matter;
- b) To provide the machinery for extending the necessary planning, management and technical assistance to prospective and existing investors in the area;

- c) To make recommendations to the proper agencies on the technical support, physical assistance and, generally, the level of priority to be accorded agricultural, industrial and commercial projects, soliciting or requiring direct help from or through the government or any its instrumentalities;
- d) To pass upon and approve or disapprove all plans, programs, and projects proposed by the local government offices/agencies within the area, public corporations, and private persons or enterprises where such plans, programs, and/or projects are related to those of the Authority for the development and protection of the area as envisioned in this Act. The Authority shall issue the necessary clearances for approved proposed plans, programs and projects within thirty (30) days from submission thereof unless the proposals are not in consonance with those of the Authority or that will contribute to the unmanageable pollution of the Taal Lake waters or will bring about the ecological imbalance of the area: *Provided, further,* That the Authority is hereby empowered to institute necessary legal proceedings against any person who shall commence to implement or continue the implementation of any project, plan or program within the Taal Lake area without previous clearance from the Authority: *Provided, furthermore,* That any local government office, agency, public corporation, private person, or enterprise whose plans, programs and/or projects have been disapproved by the Authority may appeal the decision of the Authority to the Office of the President within fifteen (15) days from receipt of such disapproval whose decision on the matter shall be final. Reasonable processing fees as may be fixed by the Authority's Council shall be collected by the Authority for the processing of such plans, programs, and/or projects: *Provided, finally,* That expansion plans shall be considered as new plans subject to review of the Authority and to the payment of the processing fees.

The Authority and national and local government offices, agencies and public corporation shall coordinate their plans, programs, projects and licensing procedures with respect to Taal Lake Area for the purpose of drawing up a Taal Lake Development Plan which shall be binding upon all parties concerned upon approval of the NEDA Board;

- e) To plan program, finance and/or undertake infrastructure projects such as river, flood and tidal control works, waste water and sewerage works, water supply, roads, port works, irrigation, communications, housing and related works, when so required within the context of its development plans, and programs including the readjustment, relocation or resettlement of the population within the area as may deemed necessary and beneficial by the Authority; *Provided,* That should any project be financed wholly or in part by the Authority, it is hereby authorized to collect reasonable fees and tolls as may be fixed by its Council subject to the approval of the Office of the President from users and/or beneficiaries thereof to recover cost of construction, operation and maintenance of the projects: *Provided, further,* That if the Authority should find it necessary to undertake such infrastructure projects which are classified, as social overhead capital projects as determined by the NEDA, the Authority shall be authorized to receive financial assistance from the government in such amounts as may be necessary to carry out the said project subject to such terms and conditions that may be imposed by the government, upon the recommendation of the NEDA Board: *Provided, finally,* That such amount as may be necessary for the purpose is hereby authorized to be appropriated out of the funds of the National Treasury not otherwise appropriated;

- f) To conduct studies and make experiments on fish production and aquaculture, whenever necessary, with the collaboration and assistance of the Bureau of Fisheries and Aquatic Resources, with the end-view of improving present techniques and practices;
- g) For the purpose of effectively regulating and monitoring activities in Taal Lake and its tributaries, the Authority shall have exclusive jurisdiction to issue new permit for the use of the lake waters and its tributaries for any project or activities in or affecting the said lake including navigation, construction, and operation of fish cages, fish enclosures, fish corrals and the like, and to impose necessary fees for said activities and projects: *Provided*, That the fees collected for fisheries may be shared between the Authority and other government agencies and political subdivisions in such proportion as may be determined by the President of the Philippines upon recommendation of the Authority's Council: *Provided, further*, That the Authority's Council may determine new areas of fishery development or activities which it may place under the supervision of the Bureau of Fisheries and Aquatic Resources taking into account the overall development plans and programs of the Taal Lake Area: *Provided, finally*, That the Authority shall subject to the approval of the President of the Philippines, promulgate such rules and regulations which shall govern fisheries development activities in the Taal Lake and its tributaries which shall take into consideration among others the following: socio-economic amelioration of bonafide resident fishermen whether individually or collectively in the form of cooperatives, lakeshore town development, a master plan for fish cage construction and operation, communal fishing ground for lakeshore town residents in hiring labourers for fishery projects;
- h) To propose to cities and municipalities embraced within the area to pass appropriate zoning ordinances and other regulatory measures necessary to carry out the objectives of the Authority and enforce the same with the assistance of the Authority;
- i) To act in coordination with existing governmental agencies in establishing water quality standards for industrial, agricultural and municipal waste discharges into the lake and its tributaries and to cooperate with said existing agencies of government in enforcing such standards, or to separately pursue enforcement and penalty actions as provided for in Section 9(d) and Section 23 of this Act: *Provided*, That in case of conflict on the appropriate water quality standard to be enforced such conflict shall be resolved through the Office of the President;
- j) To establish an emergency plan, policies, strategies and disaster preparedness activities, in cooperation with the Philippine Institute of Volcanology and Seismology and the National Disaster Coordinating Council;
- k) To undertake studies on the improvement and maintenance of the desirable water quality of Taal Lake and its tributaries, and in pursuance thereof, to prepare a water quality management program on a continuing basis, which the Authority shall carry out with the assistance and support of all national and local government units involved in water quality management;

- l) To issue standards, rules and regulations to govern the approval of plans and specifications for sewerage and industrial waste disposal systems and the issuance of permits; and inspect the construction and maintenance of sewage works and industrial waste disposal systems for compliance to plans;
- m) To adopt, prescribe and promulgate the rules and regulations governing the procedures of the Authority with respect to hearings, plans, specifications, designs and other data for sewerage system and industrial waste disposal system, the filing of reports and the issuance of permits;
- n) To issue, renew or deny permits, under such conditions as it may determine to be reasonable, for the prevention and abatement of pollution, for the discharge of sewage system, industrial waste, and for the installation or operation of sewerage and industrial disposal system or parts thereof; *Provided*, That the Authority, by rules and regulations, may require subdivisions, condominiums, hospitals, public buildings and other similar human settlement to put up appropriate central sewerage system and sewage treatment works, except that no permits shall be required of any new sewerage system or changes to or extensions of existing sewerage system that discharge only domestic or sanitary wastes from a single residential building provided with septic tanks or their equivalent. The Authority may impose reasonable fees and charges for the issuance or renewal of all permits herein required;
- o) After due notice and hearing, the Authority may also revoke, suspend or modify any permit issued under this Act whenever the same is necessary to prevent or abate pollution;
- p) To deputize in writing or request assistance of appropriate government agencies or instrumentalities for the purpose of enforcing this Act and its implementing rules and regulations and the order and decisions of the Authority;
- q) To authorize its representatives to enter at all reasonable times any property of the public dominion and private property devoted to industrial, manufacturing, processing or commercial use without doing damage, for the purpose of inspecting and investigating conditions relating to pollution or possible imminent pollution;
- r) To enter into contracts, memoranda, agreements and other cooperative arrangements with public and private entities, whether here or abroad for purposes of carrying out the provisions of this Act;
- s) To accept donations, contributions, grants, bequests or gifts in cash or in kind from various sources, domestic or foreign in consonance with existing laws and regulations. The cash donations shall not be used to fund the personal services requirement of the Authority;
- t) To perform other related functions as deemed necessary to achieve the objectives of the authority.

SECTION 10. – *Damages to the water and aquatic resources.* – Compensation for damages to the water and aquatic resources of Taal Lake and its tributaries resulting from

failure to meet established water and effluent quality standards or from such other wrongful act or omission of a person, private or public, juridical or otherwise, punishable under the law shall be awarded to the Authority to be earmarked for water quality control and management.

SECTION 11. – *Collection of fees.* – The Authority is hereby empowered to collect fees for the use of the lake waters and its tributaries for all beneficial purposes including but not limited to recreation, municipal, industrial, agricultural, fisheries, navigation, irrigation and waste disposal purposes: *Provided*, That the rates of the fees to be collected, and the sharing with other government agencies and political subdivisions, if necessary, shall be subject to the approval of the President of the Philippines upon the recommendation of the Taal Lake Development Council, except fish cage fees, which will be shared in the following manner, 50 percent of the fish cage fees go to the lakeshore local governments and the remaining 50 percent shall be retained to the Authority; *Provided, however*, that the share of the Authority shall form part of its Special Fund and shall not be remitted to the National Treasury.

CHAPTER IX

SOURCES OF FUNDS

SECTION 12. – *Sources of Funds and the Operating Budget of the Authority.*

- a) To carry out the purposes of this Act, the amount of One Hundred Million Pesos (Php100,000,000.00) is hereby authorized to be appropriated for the initial operation of the Authority. Thereafter, the annual expenditures including capital outlay of the Authority shall be provided in the General Appropriations Act.
- b) The Authority is likewise empowered to levy fines and impose fees and charges for various services rendered.

SECTION 13. – *Special Fund.* – Notwithstanding any provisions of law, rules and regulations, executive and administrative order to the contrary, there is hereby established a Special Fund, sourced from various fees and charges levied by the Authority. The Special Fund shall be administered by the Taal Lake Development Council and shall be at the immediate disposal of the Council to be used exclusively to augment deficiencies in the annual appropriations of the Authority, for operational and administrative expenses, and for repair and acquisition of necessary facilities and equipments.

CHAPTER X

MANAGEMENT AND PERSONNEL

SECTION 14. – *Taal Lake Development Council.* – The governing board and policymaking body of the Authority shall be the Taal Lake Development Council, which shall be composed of the following, to wit;

1. Chairman, Taal Lake Development Authority
2. Secretary, National Economic Development Authority
3. Secretary, Department of Environment and Natural Resources
4. Secretary, Department of Tourism
5. Secretary, Department of Agriculture

6. Secretary, Department of Trade and Industry
7. Secretary, Department of Public Works and Highways
8. Secretary, Department of Transportation and Communication
9. Secretary, Department of National Defense and Chairman, National Disaster and Coordinating Council
10. Head, Presidential Management Staff
11. Executive Director, PHILVOCS
12. General Manager, Philippine Tourism Authority
13. President of the Mayors League
14. Representative, Aquaculture Investors
15. Representative, Tourism and Land Developers Sector
16. Representative, Agricultural Sector
17. Representative, Small Fisher Folks

The representatives from the sectors of aquaculture investors, tourism and land developers and agriculture as well as the representative from the small fisher folk shall be appointed by the President of the Philippines upon the recommendation of their respective sectors/associations.

The officials designated by the above-mentioned officials shall attend meetings of the Council in the absence of their principal and receive the corresponding per diems.

A Chairman, who shall be appointed by the President of the Philippines and shall have a term of office of three (3) years.

SECTION 15. – *Chairman.* - The Chairman shall be the Chief Executive Officer of the Authority and shall exercise overall administrative supervision to ensure the effective and efficient implementation of the policies laid down by the Authority. The Chairman shall have the rank and salary of an Undersecretary of a Department as provided for in the Salary Standardization Law.

SECTION 16. – *Powers and functions of the Chairman.* – The Chairman shall have the following powers and duties:

- a. Submit for consideration of the Council the policies and measures which he/she believes to be necessary to carry out the purposes and provisions of this Act;
- b. Execute and administer the policies, plans, programs and projects approved by the Council;
- c. Direct and supervise the operation and internal administration of the Authority. He/she may delegate some of his/her administrative responsibilities to other officers of the Authority subject to the rules and regulations of the Council;
- d. Appoint all subordinate officers and employees who shall enjoy security of tenure and may be removed for cause in accordance with law. He/she may engage the services of experts/consultants either on full time or part-time basis, as may be required in the performance of his/her functions and duties;

- e. Submit quarterly reports to the Council on personnel selection, placement and training and exercise the power of to discipline subordinate officials and employees under the provisions of law;
- f. Submit to the Office of the President an annual report and such other reports as may required, including the details of the annual and supplemental budgets of the Authority; and
- g. Perform such other functions as may provided by law.

SECTION 17. – *Quorum.* - A majority of the members of the Council shall constitute a quorum for the conduct of business.

SECTION 18. – *Council Meetings.* – The Council shall meet at least once a month. The Council shall be convened by the Chairman or upon written request signed by the majority of the members.

SECTION 19. – *Per diems and allowances.* – The members of the Council shall receive for every meeting attended a per diem to be determined by the Council: *Provided*, That in no case will the total amount received by each exceed the sum of Two Thousand Pesos (Php 2,000.00) for any one month. Members of the Council shall be entitled to commutable transportation and representation allowance in the performance of official functions for the Authority as authorized by the Council the aggregate amount of which shall not exceed Two Thousand Pesos (Php 2,000.00) for any one-month.

SECTION 20. – *Powers and functions of the Council.* –

- a. It shall formulate, prescribe, amend and repeal rules and regulations that govern the conduct of business of the Authority;
- b. It shall approve plans, programs and projects deemed necessary to carry out the provisions of this Act.
- c. It shall appoint and approve all officials from the rank of General Manager down to division heads, and others of comparable rank;
- d. It may increase the rate of allowances and per diems of the members of the Council during the term of the succeeding Council. It shall fix the compensation of the officers and members of the Authority;
- e. It shall approve the annual and/or supplemental budget of the Authority, and
- f. It shall perform such other acts and perform such other functions as may be necessary to carry out the provisions of this Act.

SECTION 21. – *Plans to be formulated within one year.* – Upon its organization, the Council shall formulate and report to the Office of the President with the most utmost expeditious manner, but in no case longer than one year, its plans and recommendations for the

accelerated, balanced and sustainable development of the Area in accordance with the aims and purposes of this Act.

SECTION 22. – *Activities of the Authority: Key Officials.* – In carrying out the activities of the Authority, the Chairman shall be assisted by a General Manager who shall have following powers, duties and functions:

- a. Assist the Chairman in the administration of the Authority and supervision of subordinate personnel;
- b. Assist the Chairman in the suspension of the operation of the various operating centers and units of the Authority;
- c. Assist the Chairman in the review of plans and programs of the Authority; and
- d. Perform such other duties and functions as may be lawfully delegated or assigned by the Chairman from time to time.

The Council upon the recommendation of the Chairman shall appoint the General Manager.

The Authority shall have the following departments under the direct supervision and control of the Chairman;

- a. Administrative Department which shall be responsible for providing services related to personnel, training, information technology, records, supplies, general services, equipment and security;
- b. A Legal Department, to be headed by a Legal Counsel, a member of the Philippine Bar, shall represent the Authority in legal actions and proceedings. This department shall be responsible for providing staff advice and assistance on legal matters;
- c. A Finance Department which shall be responsible for providing staff advice and assistance on budgetary and financial matters, and safekeeping of corporate assets;
- d. A Project Management Department which shall be responsible for the operation, for providing services relating to planning, programming, statistics and project development;
- e. A Planning and Project Development Department which shall be responsible for providing services relating to planning, programming, statistics and project development; and
- f. An Engineering and Construction Department that shall be responsible for providing services relating to detailed engineering plans and the construction and maintenance of project facilities.

The Council may create such other department and positions as it may deem necessary for the efficient, effective and economical conduct of the activities of the Authority. Each department may be divided into divisions, which to be headed by a division head.

CHAPTER XII

PENAL AND CIVIL LIABILITY

SECTION 23. – *Penalty and civil liability clause.* – Any person, natural or juridical, who shall violate any of the provisions of this Act or may rule or regulations promulgated by the Authority pursuant thereto shall be liable for imprisonment of not more than three years or to a fine not exceeding Ten Million Pesos (Php 10,000,000.00) or both at the discretion of the court.

If the violator is a corporation, partnership or association, the officer or officers of the organization concerned shall be liable therefore.

The Authority is hereby authorized to pursue separate civil actions for damages resulting from infractions of the provisions of this Act, rules and regulations issued pursuant thereto and/or conditions embodied in the clearances or permits issued by the Authority.

CHAPTER XIII

MISCELLANEOUS PROVISIONS

SECTION 24. – *Implementing Rules and Regulations.* – The Council, within 120 days after the approval of his Act, issues the necessary rules and regulations to implement the provisions of this Act.

SECTION 25. – *Separability clause.* – The provisions of this Act are hereby declared to be separable, and in the event any one or more of such provisions are held unconstitutional or illegal, they shall not affect the validity of other provisions.

SECTION 26. – *Repealing clause.* – All laws, orders, rules and regulations and other issuances or parts thereof which are contrary or inconsistent with the provisions of this Act are hereby repealed, amended or modified accordingly.

SECTION 27. – *Effectivity clause.* – This Act shall take effect after fifteen (15) days following its complete publication in the Official Gazette or in at least two (2) newspapers of general circulation.

APPROVED.