

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

NINETEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. 8961



Introduced by HON. GUS S. TAMBUNTING

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

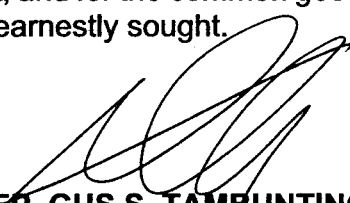
EXPLANATORY NOTE

The Philippines is highly prone to disasters triggered by natural disasters, with some estimations placing 60% of its land area and 74% of its population as exposed to numerous hazards, including floods, cyclones, droughts, earthquakes, tsunamis and landslides. And as global warming intensifies, extreme weather events are expected to increase, resulting in greater water risk to the country.

In Manila alone, flood management presents challenges. Many of the 60 or so existing pumping stations are old and lack sufficient capacity for even normal rainfall conditions. Over the past few decades, the city has grown rapidly, but new pumping stations have not been constructed to meet the needs in low-lying areas. Areas around waterways are often densely populated, with dwellings encroaching over the water, affecting waterflow and preventing maintenance and desilting.

Not only property is destroyed by flooding, but countless lives are lost and people are internally displaced. Flooding likewise takes a toll on our economy. Strong storms, heavy flooding and prolonged droughts may result in around \$124 billion in losses to the Philippine economy between 2022 and 2050, according to research firm GHD. There is, therefore, a need for a masterplan and flood management, and it cannot be stressed enough how urgent it is.

On behalf of the people of Parañaque City's Second District, and for the common good of the Filipino people, the approval of the said measure is earnestly sought.


REP. GUS S. TAMBUNTING
2nd District, Parañaque City

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FUNDS THEREFOR, AND FOR OTHER PURPOSES

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

SECTION 1. *Short Title.* – This Act shall be known as the "Flood Management Act of 2023."

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 Environmental and Natural Resources, Chairperson of the National Commission in Indigenous Peoples, Director of the University of the Philippines Dillman-National Institute for Geological Sciences, Administrator of the Philippine Atmospheric, Geophysical and Astronomical Services Administration (PAGASA), and the 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 11 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. Panel of Experts. - The Task Force shall engage a panel of international and local experts for technical support and to ensure that projects implemented under the Masterplan adhere to international quality standards.

SEC. 7. The 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 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, remove timber, or other forest products from any forest land, or timber from alienable or disposable public land, or from private land, without authority, or possess timber or other forest products without 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.

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 and revoke permits to extract sand, gravel, and other quarry resources.

SEC. 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.

SEC. 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.

SEC. 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.

SEC. 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.

SEC. 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.

SEC. 14. *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. 15. *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. 16. *Effectivity Clause.* — This Act shall take effect fifteen (15) days after its publication in at least (2) newspapers of general circulation.

Approved,