



Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

Twentieth Congress
1st Regular Session
HOUSE BILL NO. 2673



Introduced by Rep. Elisa T. Kho and Rep. Antonio T. Kho

EXPLANATORY NOTE

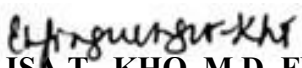
This proposed bill "Bañadero River Protected Watershed Act" aims to formally recognize and protect the Bañadero River and its watershed as a vital natural resource for the province of Masbate. The bill establishes a clear State policy to conserve natural resources for both current and future generations, specifically highlighting the Bañadero River's significant ecological, hydrological, and socio-economic value.

To achieve these goals, this bill establishes the Bañadero River Watershed Management Council (BRWMC), a multi-sectoral body chaired by the DENR Secretary, composed of various government agencies, local government units, Indigenous Peoples' representatives, NGOs, POs, and academic institutions. This Council is mandated to formulate and implement a comprehensive Management Plan that includes resource assessment, zoning, reforestation, water quality monitoring, biodiversity conservation, sustainable livelihood programs, and robust law enforcement.

The bill strictly prohibits activities detrimental to the watershed's integrity, such as unauthorized settlements, waste dumping, pollution, illegal logging, poaching, introduction of exotic species, mining, and harmful land use conversion. Penalties for these prohibited acts will align with existing environmental laws, with the Department of Justice designating special prosecutors for related cases.

The Act also outlines funding mechanisms, including initial government appropriations, annual allocations, and the authority to seek external donations, with a special " Bañadero River Protected Watershed Fund" to ensure financial sustainability. Importantly, the Act includes a strong Indigenous Peoples' Rights clause, affirming their ancestral domain rights and requiring Free, Prior, and Informed Consent (FPIC) for any affecting activities.

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


REP. ELISA T. KHO, M.D.,FPCCP


REP. ANTONIO T. KHO



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AN ACT
DECLARING THE BAÑADERO RIVER AS A PROTECTED WATERSHED AREA,
PROVIDING FOR ITS PROTECTION AND MANAGEMENT, AND FOR OTHER
PURPOSES

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

SECTION 1. Short Title. This Act shall be known as the " Bañadero River Protected Watershed Act."

SECTION 2. Declaration of Policy. It is hereby declared the policy of the State to protect and conserve its natural resources, including its rivers and watersheds, for the benefit of present and future generations. The Bañadero River, with its significant ecological, hydrological, and socio-economic importance, is hereby recognized as a vital natural heritage requiring special protection and sustainable management.

SECTION 3. Definition of Terms. As used in this Act:

- (a) Bañadero River refers to the entire stretch of the Bañadero River, its tributaries, and associated waterways.
- (b) Protected Watershed Area refers to a land and water area identified and set aside by law for its water production, water quality, biodiversity, and ecosystem services, requiring strict protection and management to prevent degradation and ensure sustainability.
- (c) Watershed refers to a land area that drains water to a common outlet such as a stream, lake, or river.
- (d) Buffer Zone refers to areas adjacent to the protected watershed area that need special development control in order to protect the protected watershed area from harmful activities.
- (e) Stakeholders refer to all individuals, groups, or entities, including local communities, indigenous peoples, government agencies, non-governmental organizations, and private sectors, who have an interest in or are affected by the Bañadero River and its watershed.

SECTION 4. Declaration of Bañadero River as a Protected Watershed Area. The Bañadero River, including its headwaters, tributaries, riparian zones, and the surrounding land area that directly contributes to its water flow and quality, as surveyed and delimited by the Department of Environment and Natural Resources (DENR), is hereby declared a Protected Watershed Area. Its exact metes and bounds shall be determined and delineated by the DENR within one (1) year from the effectivity of this Act.

SECTION 5. Objectives. The objectives of this Act are:

- (a) To ensure the sustainable supply of water for domestic, agricultural, industrial, and ecological needs from the Bañadero River.
- (b) To protect and conserve the biodiversity, flora, and fauna, and their habitats within the Bañadero River watershed.
- (c) To prevent and control pollution, sedimentation, and other forms of degradation of the Bañadero River and its watershed.
- (d) To promote eco-tourism and environmental education consistent with the protection and management objectives of the protected area.
- (e) To enhance the ecological resilience of the Bañadero River watershed to climate change impacts.
- (f) To empower and involve local communities and indigenous peoples in the protection and management of the Bañadero River watershed.

SECTION 6. Governing Body. There is hereby created a Bañadero River Watershed Management Council (BRWMC), which shall be the primary policy-making and coordinating body for the Bañadero River Protected Watershed Area. The BRWMC shall be chaired by the Secretary of the DENR or their duly authorized representative and shall be composed of representatives from:

- (a) Department of Environment and Natural Resources (DENR)
- (b) Department of Agriculture (DA)
- (c) Department of Public Works and Highways (DPWH)
- (d) Department of the Interior and Local Government (DILG)
- (e) National Water Resources Board (NWRB)
- (f) Local Government Units (LGUs) within the watershed area
- (g) Indigenous Peoples' representatives within the watershed area (if applicable)
- (h) Non-Governmental Organizations (NGOs) involved in environmental protection
- (i) People's Organizations (POs) within the watershed area

(j) Concerned academic or research institutions

The BRWMC shall formulate and implement a comprehensive Bañadero River Watershed Management Plan.

SECTION 7. Prohibited Acts. The following acts are prohibited within the Bañadero River Protected Watershed Area:

(a) Establishment of any settlement or construction of any structures not related to the management and protection of the watershed.

(b) Dumping of any waste products, including but not limited to domestic, industrial, or agricultural wastes, chemicals, or other pollutants.

(c) Any activity that causes pollution, sedimentation, or degradation of water quality.

(d) Illegal logging, deforestation, or unauthorized cutting of trees.

(e) Poaching, hunting, or taking of protected wildlife species.

(f) Introduction of exotic species that may threaten the indigenous flora and fauna.

(g) Mineral exploration, mining, and quarrying operations.

(h) Any form of land use conversion that is detrimental to the watershed's integrity.

(i) Unauthorized entry or occupation.

(j) Other acts that may be determined by the BRWMC as detrimental to the integrity of the Bañadero River Protected Watershed Area.

SECTION 8. Penalties. Any person who commits any of the prohibited acts enumerated in Section 7 shall suffer the penalties provided under existing environmental laws, including but not limited to the Philippine Clean Water Act of 2004 (Republic Act No. 9275), the Wildlife Resources Conservation and Protection Act (Republic Act No. 9147), and the Revised Forestry Code of the Philippines (Presidential Decree No. 705), as amended. The Department of Justice (DOJ) shall designate special prosecutors to handle cases involving violations of this Act.

SECTION 9. Management Plan. Within two (2) years from the effectivity of this Act, the BRWMC shall formulate and implement a comprehensive Bañadero River Watershed Management Plan. The Plan shall include, but not be limited to, the following:

(a) Delineation and demarcation of the protected watershed area and its buffer zones.

(b) Resource assessment and inventory of flora, fauna, water resources, and socio-economic conditions.

(c) Zoning plan for management and protection.

(d) Programs for reforestation, rehabilitation, and restoration of degraded areas.

(e) Water quality monitoring and pollution control measures.

(f) Biodiversity conservation programs.

(g) Sustainable livelihood programs for local communities.

(h) Environmental education and awareness campaigns.

(i) Research and monitoring activities.

(j) Law enforcement and surveillance mechanisms.

The Management Plan shall be regularly reviewed and updated by the BRWMC.

SECTION 10. Funding. The initial funding for the implementation of this Act shall be charged against the appropriations of the DENR and other concerned agencies. Thereafter, such sums as may be necessary for the continuous implementation of this Act shall be included in the annual General Appropriations Act. The BRWMC is authorized to seek and receive donations, grants, and other forms of assistance from local and international sources, subject to existing government accounting and auditing rules and regulations. A special trust fund, to be known as the " Bañadero River Protected Watershed Fund," shall be established to support the activities for the protection and management of the watershed.

SECTION 11. Indigenous Peoples' Rights. Nothing in this Act shall be construed to diminish or abrogate the rights of indigenous peoples within the Bañadero River Protected Watershed Area, including their ancestral domain rights, self-determination, and customary laws, in accordance with the Indigenous Peoples' Rights Act of 1997 (Republic Act No. 8371). Their free, prior, and informed consent (FPIC) shall be obtained in all activities that may affect their ancestral domains and traditional resource use.

SECTION 12. Information and Education Campaign. The DENR, in coordination with other concerned agencies and local government units, shall conduct a massive information and education campaign to raise public awareness on the importance of the Bañadero River Protected Watershed Area and the provisions of this Act.

SECTION 13. Implementing Rules and Regulations. Within ninety (90) days from the effectivity of this Act, the DENR, in coordination with the members of the BRWMC, shall promulgate the necessary rules and regulations for its effective implementation.

SECTION 14. Separability Clause. If any provision of this Act is declared unconstitutional or invalid, the remainder of this Act or the provision not otherwise affected shall remain in full force and effect.

SECTION 15. Repealing Clause. All laws, decrees, orders, rules and regulations, or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SECTION 16. Effectivity. This Act shall take effect fifteen (15) days after its complete publication in the Official Gazette or in two (2) newspapers of general circulation.

Approved,