

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

TWENTIETH CONGRESS
First Regular Session

House Bill No. 2768



Introduced by Representative

BRIAN POE, PhD, MNSA

**AN ACT REQUIRING A SUFFICIENT WATERWAY CHANNEL FROM THE EXISTING
MAINLAND OR FORESHORE AND FROM PROPOSED OR INTENDED LAND
RECLAMATION PROJECTS UNDER THE JURISDICTION OF THE REPUBLIC OF THE
PHILIPPINES**

EXPLANATORY NOTE

"Binabaha nang husto ang iba't ibang panig ng Pilipinas, wala nang malabasan ng tubig papuntang dagat!" This is the outcry of countless Filipinos as floodwaters continue to devastate the country, often with no clear channel for drainage toward the sea.

Many areas in the Philippines that had previously not experienced flooding are now severely affected, especially during increasingly intense typhoons. A major contributing factor is the lack of adequate drainage systems and water channels. This situation highlights the urgent need for a law that sets clear standards and limitations on land reclamation projects.

While the Philippines has existing laws to protect marine and water resources, there is no specific regulation imposing minimum waterway channel requirements for reclamation. Article II, SECTION 16 of the 1987 Philippine Constitution affirms the right to a balanced and healthful ecology. Article XII, SEC. 1 and SEC. 2 mandate the efficient use and protection of natural resources, including marine wealth. Article XIV, SEC. 14 promotes the conservation of the nation's cultural and natural heritage. Presidential Decree No. 1151 emphasizes the State's obligation to secure environmental quality for the dignity and well-being of its people.

Although the Philippine Reclamation Authority (PRA) Administrative Order No. 2021-01 supports balanced development through land reclamation, the government must ensure such activities are guided by clear environmental standards. Land reclamation can support urban expansion, alleviate overcrowding, and enable economic growth. However, it must be harmonized with environmental safeguards.

This bill proposes a mandatory minimum 200-meter waterway channel between reclaimed land and existing mainland or foreshore. This standard reflects best practices and international benchmarks, including recommendations resulting from the Parañaque City Council's 2024 benchmarking trip to the Netherlands. Scientific studies by institutions such as IHE Delft, Deltares, and Jan De Nul Group emphasized the importance of water channels to mitigate flooding, prevent stagnation, and support proper water flow.

This Act is vital for protecting public health, ensuring access to open water, managing floods, and preserving marine ecosystems. It aligns with national environmental policies and the UN Sustainable Development Goals.


HON. BRIAN POE, PhD, MNSA
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FPJ Panday Bayanihan Party-List

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

SEC. 1. Short Title. — This Act shall be known as the "Philippine Water Channel Act."

SEC. 2. Declaration of Policy. — It is hereby declared the policy of the State to:

- (a) Protect and advance the right of the people to a balanced and healthful ecology (Art. II, Sec. 16, 1987 Constitution);
- (b) Safeguard the nation's marine wealth in its archipelagic waters, territorial sea, and exclusive economic zone (Art. XII, Sec. 2);
- (c) Pursue economic growth consistent with the protection, preservation, and revival of water quality (RA 9275, Sec. 2).

SEC. 3. Purpose. — **This Act aims to:**

- (a) Enforce a minimum 200-meter waterway channel between land reclamation projects and existing land or foreshore;

- (b) Promote water accessibility and preserve bodies of water for future generations;
- (c) Mitigate flooding and odors caused by stagnant water;
- (d) Protect public health, safety, and well-being.

SEC. 4. Definition of Terms. —

- (a) Environmental Impact Assessment (EIA) — A DENR-mandated evaluation of the potential environmental effects of proposed projects.
- (b) Mainland — Existing land masses, including islands and reclaimed land.
- (c) Foreshore — The portion of the shore exposed at low tide and submerged at high tide.
- (d) Land Reclamation — The creation of new land through dredging, filling, or other means on foreshore areas or bodies of water.
- (e) Water Stagnation — A condition where water has little or no movement due to blockages or insufficient waterways.
- (f) Waterway Channel — A perpendicular water space of at least 200 meters between the edge of reclamation and the existing mainland or foreshore.

SEC. 5. Scope and Coverage. — This Act applies to all land reclamation projects, including proposed and approved Joint Venture Agreements, throughout the Philippines. Project proponents must revise their plans to comply with updated coordinates provided by the Philippine Reclamation Authority.

SEC. 6. Compliance and Enforcement. — Compliance with this Act shall be monitored by the PRA, DENR, BFAR, DOST, MMDA, and LGUs. Their responsibilities include:

- (a) PRA — Acts as the primary regulatory body for land reclamation.
- (b) DENR — Conducts regular inspections and mandatory EIAs every five years; provides support for enforcement and rehabilitation.
- (c) BFAR — Assesses impacts on aquatic ecosystems and fisheries.
- (d) DOST — Assists in determining appropriate waterway dimensions.
- (e) NEDA — Reviews and evaluates reclamation activities and advises on development policy.
- (f) LGUs — Conduct a minimum of two annual inspections through their Environment and Natural Resources Offices (ENROs); publish findings for public transparency.
- (g) DPWH — Oversees infrastructure elements of flood control.

SEC. 7. Penalties. — Non-compliance shall result in:

- (a) Revocation or denial of reclamation permits by PRA;
- (b) Revocation or denial of ECCs by DENR;
- (c) Fines starting at one million pesos (P1,000,000), with additional daily penalties between P50,000 and P100,000 until compliance is achieved;

- (d) Imprisonment of at least two years or as determined by the Court;
- (e) Mandatory funding and execution of rehabilitation measures.

Proceeds from fines shall go to the DENR for environmental restoration, education, and sustainable development programs.

SEC. 8. Adjustment Period. — Projects must comply within 90 days of this Act's publication. Failure to comply within the period shall incur applicable penalties.

SEC. 9. Implementing Rules and Regulations. — Within 90 days of effectivity, PRA, DENR, DOST, and other agencies shall issue the necessary rules and regulations. The absence of IRR shall not delay implementation.

SEC. 10. Separability Clause. — If any provision is held unconstitutional or invalid, the remaining provisions shall remain in full force and effect.

SEC. 11. Repealing Clause. — All laws, decrees, orders, rules, and regulations inconsistent with this Act are repealed or amended accordingly.

SEC. 11. Effectivity. — This Act shall take effect 15 days after publication in the Official Gazette.

Approved,


HON. BRIAN POE, PhD, MNSA
Representative
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