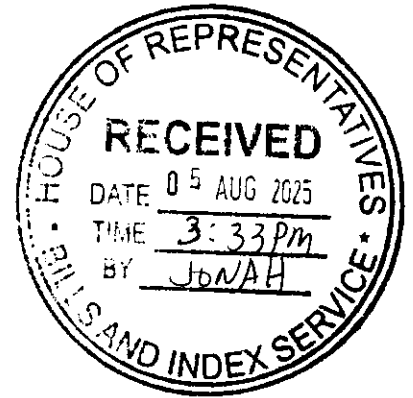


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

TWENTIETH CONGRESS
First Regular Session



HOUSE BILL NO. 3119

Introduced by Representative JB BERNOS

AN ACT
CREATING THE ABRA RIVER BASIN DEVELOPMENT AUTHORITY,
PRESCRIBING ITS POWERS AND FUNCTIONS AND APPROPRIATING
FUNDS THEREFOR

EXPLANATORY NOTE

The Abra River is the sixth largest river system in the Philippines in watershed size. Its drainage area is estimated at 5,125 kilometers with a length of 178 kilometers from its source at Mt. Data in Benguet Province. Along with its primary tributary, the Tineg River, Abra River passes through various localities in the landlocked province of Abra down to neighboring Ilocos Sur. It is a lifeline for many people who live near the Abra River: fishermen, farmers, budding businesses and major industries.

Back in the 1970s, the upper Abra River was classified as Class A while the lower part of the river was categorized as Class B, which generally renders it suitable for domestic use. Sadly, developmental tradeoffs are fast catching up with the torrents of the mighty Abra River. As early as 2005, chemical analysis of the Abra River water condition conducted by experts from the St. Louis University revealed that it has dangerously high levels of substances hazardous to humans. The situation gets even worse every year. This is primarily attributed to uncontrolled industrialization, forest denudation, mining and rapid population growth. Moreover, because of poor drainage and lack of comprehensive flood control systems, the river inundates homes, farmlands and

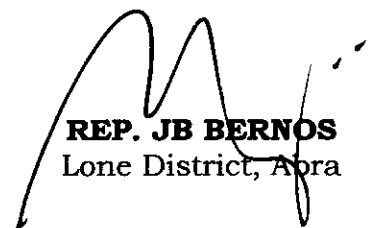
communities paralyzing the local economy and sometimes claiming lives of many during the typhoon season.

Through this bill, we will save the northern Philippines' most important water network by regulating commercial and residential activities affecting the Abra River. The bill will help ensure that the discharges do not exceed the allowable established limits for the river's natural waste assimilation capacity. A long-term Abra River Rehabilitation Roadmap and Master Plan will also be adopted to ensure that the people are well guided in all sorts of developments while still maintaining the livability of the nearby communities.

This bill also welcomes the participation of the private sector as members of the board of directors. Public-private sector partnership is likewise considered as the government opens up, not just management, but also financing options.

Our children and the generations after them deserve the generous bounty that a clean, healthy and safe Abra River has to offer.

To save the Abra River from imminent degradation, immediate passage of this bill is earnestly sought.



REP. JB BERNOS
Lone District, Abra

Republic of the Philippines
HOUSE OF REPRESENTATIVES
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1
2 **AN ACT**
3 **CREATING THE ABRA RIVER BASIN DEVELOPMENT AUTHORITY,**
4 **PRESCRIBING ITS POWERS AND FUNCTIONS AND APPROPRIATING**
5 **FUNDS THEREFOR**
6

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

9
10 SECTION. 1. **Short Title.** – This Act shall be known as the “*Abra River*
11 *Basin Development Authority Act.*”

12 SEC. 2. **Declaration of Principles and Policies.** – It is the policy of the
13 State to protect and advance the right of the people to a balanced and healthful
14 ecology in accord with the rhythm and harmony of nature. Toward this end, the
15 State shall pursue a policy of sustainable economic growth in a manner
16 consistent with the protection, preservation and revival of the quality of our river
17 systems.

18 Toward this end, the State shall pursue a policy of sustainable economic
19 growth in a manner consistent with protection, preservation and revival of our
20 river systems including the Abra River. It shall likewise ensure the
21 implementation, management and oversight of the adoption of necessary
22 measures and programs on flood control and drainage system in all the river

1 systems connected to the Abra River Basin System to eliminate the adverse
2 effects of typhoons and floods during rainy season and protect its ecology from
3 pollution caused by mining and various industrial activities in the area.

4 SEC. 3. **Definition of Terms.** – As used in this Act:

5 a) *Discharge* includes the act of spilling, leaking, pumping, pouring,
6 emitting, emptying, releasing or dumping of any material into a water body or
7 onto land from which it might flow or drain into the water;

8 b) *Effluent* refers to sewage passed into a body of water or land or
9 industrial waste or wastewater flowing out of a manufacturing plant, industrial
10 plant and domestic household including commercial and recreational facilities;

11 c) *Geographic Information System (GIS) Mapping* refers to computerized
12 data management system to capture, store, manage, retrieve, analyze, and
13 display spatial information in which data are geo-referenced to the coordinates
14 of a particular projection system which allows precise placement of features on
15 the earth's surface and maintains the spatial relationships between mapped
16 features such as slope, soils, hydrography, bathymetry, demography, wetlands
17 and land use which can be combined to develop maps suitable for regulatory and
18 planning decisions;

19 d) *Hazardous waste* refers to solid waste or combination of solid waste
20 which, because of its quantity, concentration, or physical, chemical or infectious
21 characteristic, may cause or significantly contribute to an increase in mortality
22 or an increase in serious irreversible or incapacitating illness, or pose a
23 substantial present or potential hazard to human health or the environment

1 when improperly treated, stored, transported or disposed of or otherwise
2 managed; and

3 e) *Land swapping* refers to the process of land acquisition by
4 exchanging land for another piece of land of equal value or for shares of stock in
5 a government or quasi-government corporation whose book value is of equal
6 value to the land being exchanged, for the purpose of planned and rational
7 development such as provision for wastewater treatment facilities and socialized
8 housing where land values are determined based on land classification, market
9 value and assessed value taken from existing tax declarations and wherein
10 valuable lands owned by private persons may be exchanged with less valuable
11 lands.

12 SEC. 4. ***Abra River Basin Development Authority.*** – There shall be
13 created under the Office of the President, an independent regulatory body
14 possessing corporate attributes with quasi-judicial and quasi-legislative powers
15 to be known as the Abra River Basin Development Authority, hereinafter referred
16 to as the “Authority.” The Authority shall be the primary government agency
17 that shall coordinate, plan, manage and implement the development programs
18 and resource utilization in the Abra River Basin System. The Authority shall
19 execute the powers and functions vested and conferred by this Act.

20 The Abra River Basin System consists of all barangays located along the
21 Abra River, Tineg River and its tributaries and areas adjacent to them in the
22 Provinces of Abra, Benguet and Ilocos Sur that drain to or branch out from the
23 Abra River and the industrial, commercial, business, residential, recreational

1 and other private and public areas contiguous to the environmental preservation
2 areas, as may be determined by the Authority.

3 SEC. 5. **General Policies.** – In the exercise of its powers and duties, the
4 Authority shall be guided by the following policies:

5 a) The rehabilitation and sustainable development of the Abra River
6 Basin System shall be given due importance to preserve, protect and develop
7 Abra River’s ecological balance;

8 b) The preparation, development and implementation of a
9 comprehensive and detailed 25-year Abra River Rehabilitation Roadmap and
10 Master Plan based on the framework of sustainable water management shall be
11 prioritized in consultation and coordination with the local government units
12 (LGUs), Department of Environment and Natural Resources (DENR), Department
13 of Interior and Local Government (DILG), Department of Public Works and
14 Highways (DPWH), National Economic Development Authority (NEDA) and other
15 appropriate government agencies and stakeholders;

16 c) Consistent with the 25-year Abra River Rehabilitation Roadmap and
17 Master Plan, the implementation of short and medium-term programs, activities
18 and projects to attain the objectives of this Act shall be prioritized, which is,
19 among others, to transform and upgrade the water quality of the Abra River
20 Basin System to Class B water quality classification;

21 d) Mining laws and regulations, including Republic Act No. 7492,
22 otherwise known as the “*Philippine Mining Act of 1995*” and Executive Order No.
23 79, Series of 2012, among others, shall be implemented to regulate commercial,

1 industrial and similar activities in areas along Abra River and its major
2 tributaries;

3 e) Participation and role of the LGUs specifically the barangays in the
4 implementation and enforcement of existing environmental laws such as
5 Republic Act No. 9275, otherwise known as the "*Clean Water Act of 2004*" and
6 Republic Act No. 9003, otherwise known as the "*Ecological Solid Waste*
7 *Management Act of 2000*," shall be strengthened to renew the ecology of the Abra
8 River;

9 f) Participation of the private sector and civil society organizations in
10 transforming the Abra River Basin System into a conducive environment for
11 recreation, business and other productive uses shall be encouraged through
12 private sector-driven and cleaner technology-based investments in ecosystem
13 development;

14 g) Planning, programming, social preparation and adjustment,
15 relocation or resettlement of the population from the declared environmental
16 preservation areas (EPAs) of the Abra River Basin System shall be implemented
17 in coordination with appropriate government agencies and LGUs to ensure that
18 relocation and resettlement areas have permanent access to adequate basic
19 social services and livelihood opportunities; and

20 h) Massive information and education campaign shall be conducted to
21 amplify stakeholder awareness and voluntary participation on the importance of
22 environmental restoration, rehabilitation, protection and conservation of the
23 Abra River Basin System in close coordination with LGUs and other government
24 agencies.

1 SEC. 6. ***Powers and Functions.*** – The Authority shall exercise the
2 following powers and functions:

3 a) Work closely with the DENR, DPWH, National Irrigation
4 Administration (NIA), Department of Agriculture (DA), and the Provincial
5 Government of Abra to ensure the provision for adequate, dependable and
6 reliable wastewater treatment facilities and sewerage systems in all their
7 authorized service areas, particularly, in the unserved and under-served
8 communities and barangays within the Abra River Basin System;

9 b) Periodically conduct comprehensive scientific surveys, studies, field
10 sampling and laboratory testing, and GIS-mapping of the Abra River Basin
11 System, in coordination with the Department of Science and Technology (DOST),
12 DENR-Environmental Management Bureau (EMB), and National Mapping and
13 Resource Information Authority (NAMRIA) to monitor, evaluate, update and
14 analyze among others, the physical, biological, chemical, hydrologic, bathymetric
15 and hydrographic characteristics including socio-economic profile of the
16 stakeholders, trade, industrial and commercial profile, status of the national
17 government agency and LGU programs and projects, biometric tagging and
18 identification of informal settlers, parcellary land use and zoning aspects,
19 mapping of critical effluent discharge areas, and transportation and navigation
20 attributes, historical and tourism elements;

21 c) Engage the services of the private sector through the Public-Private
22 Partnership (PPP) process or through the Built Operate and Transfer (BOT)
23 Scheme under Republic Act No. 6957, entitled “*An Act Authorizing the Financing*
24 *Construction, Operation and Maintenance of Infrastructure Project by the Private*

1 *Sector, and For Other Purposes,*” or other acceptable forms of partnership and
2 agreements in establishing its own water quality laboratory, environmental,
3 biological and microbiological laboratory, GIS-mapping system, surveillance,
4 monitoring and enforcement system through high-definition closed circuit
5 televisions or other surveillance and monitoring technologies and new
6 technologies on highly-specialized fields including sewerage and sewage
7 treatment systems which require the expertise and investment of the private
8 sector;

9 d) Engage in land swapping in securing relocation and resettlement
10 areas, and in sludge or contaminated sediment disposal and treatment sites
11 whenever necessary, whether by itself or in cooperation with private persons or
12 entities, enter into other acceptable exchange agreements related to social and
13 ecological development projects;

14 e) Engage in experimental community-based integrated wastewater
15 management technologies and strategies including the collection and disposal
16 system, sewage and septage treatment, collection and disposal of floating
17 garbage, solid waste by-products, sludge or contaminated sediments;

18 f) Identify, secure and possess near-site or on-site development areas
19 for low-cost and socialized mass housing of qualified informal settler families;

20 g) Clear and dismantle all illegal structures, in coordination with the
21 local government units, DILG and Philippine National Police (PNP), and ensure
22 that the easements provided for in this Act and other related laws are enforced,
23 especially in all the *esteros* and waterways that drain into and branch-out of the
24 Abra River;

1 h) Formulate and implement the comprehensive Abra River
2 Rehabilitation Roadmap and Master Plan with the help of the NEDA and other
3 agencies or entities;

4 i) Review all plans, projects and programs on the Abra River Basin
5 System and the expansions thereto including those submitted by LGUs, public
6 corporations, public utility franchisees, concessionaires, private persons or
7 corporations that relate to the development of the Abra River Basin System to
8 ensure that they conform to environmental standards prescribed by the
9 Authority and other environmental laws;

10 j) Through proper coordination with the DPWH and other appropriate
11 government agencies, implement infrastructure projects such as flood control,
12 solid waste management, wastewater and sewerage, water supply, access roads,
13 access ports, housing, leisure parks and related works within the context of its
14 master plan including the readjustment, relocation or resettlement of population
15 within the Abra River Basin System that may be deemed necessary and beneficial
16 in pursuit of its mandate. In case any of these projects is financed wholly or in
17 part by the Authority, it shall have authority to collect fees and tolls from users
18 or beneficiaries to recover costs of construction and maintenance of the projects.
19 Infrastructure projects which are in the nature of social overhead capital projects
20 shall be entitled to receive the corresponding financial assistance from the
21 government;

22 k) Implement, in coordination with the Philippine Reclamation
23 Authority and the LGUs, dredging or reclamation projects;

1 l) Conduct, in close coordination with the DENR, DOST, the academe
2 and other private and public research institutions, continuing research and
3 development programs on water quality management technologies, integrated
4 water resource management models and techniques, and appropriate
5 wastewater technologies, with the end view of promoting sustainable
6 development;

7 m) Without prejudice to existing environmental laws, establish and
8 enforce anti-pollution standards and water quality guidelines on domestic,
9 municipal, commercial and industrial wastewater and effluents being discharged
10 into the river system;

11 n) Adopt rules and regulations governing the approval of sewage works
12 and industrial waste treatment and disposal systems and the issuance of
13 clearances or permits in accordance with the provisions of this Act and inspect
14 the construction and maintenance of sewerage works and industrial waste
15 treatment and disposal systems in compliance with clearance or permit
16 conditions;

17 o) Require all projects or activities affecting the Abra River Basin
18 System to secure environmental compliance certificates (ECCs) required under
19 Presidential Decree No. 1586 and grant clearances and permits for projects and
20 activities within or affecting the Abra River Basin System including industrial
21 and commercial activities, recreation and tourism, navigation, housing and other
22 forms of land developments, construction and operation and impose necessary
23 safeguards, management and control of wastewater and collect necessary fees
24 for such activities and projects;

1 p) Issue, renew or cancel permits, subject to reasonable guidelines, for
2 the discharge of sewage, septage, industrial waste and installation or operation
3 of sewerage works and industrial disposal systems or parts thereof, for the
4 prevention and abatement of pollution;

5 q) Require mining companies within the territorial jurisdiction of the
6 Authority to utilize allowable mining wastewater treatment systems, technologies
7 on treatment of contaminated fresh surface waters, practice onsite reduction of
8 metals, and control, contain and manage mine tailings that, as much as possible,
9 must not be discharged to the Abra River or any of its tributaries;

10 r) Require subdivisions, condominiums, clinical and medical
11 establishments, mortuaries, car and motor repair shops, private and public
12 markets, abattoirs, private and public buildings and other similar structures
13 within the Abra River Basin System to construct and provide appropriate
14 individual and decentralized wastewater and sanitary treatment plants, or
15 centralized sewerage systems and sewage treatment facilities. The Authority
16 shall impose reasonable fees and other similar charges for the issuance or
17 renewal of all the required permits;

18 s) Impose annual fees or levies in the form of local tax on all industrial
19 and commercial users of the Abra River and its tributaries as well as the *esteros*
20 branching from and draining into the Abra River;

21 t) Issue, after due notice and hearing, orders or decisions to compel
22 compliance with the provisions of this Act and its implementing rules and
23 regulations;

1 u) Issue, alter or modify, after due notice and hearing, orders decisions
2 requiring the discontinuance of pollution specifying the conditions and the time
3 within which such discontinuance must be accomplished;

4 v) Revoke, suspend or modify, after due notice and hearing, any
5 clearance or instrumentalities for the purpose of enforcing the provisions of this
6 Act and its implementing rules and regulations;

7 w) Deputize or request the assistance of appropriate government
8 agencies or instrumentalities for the purpose of enforcing the provisions of this
9 Act and its implementing rules and regulations and the orders and decisions of
10 the Authority;

11 x) Enter, inspect or investigate at all reasonable times any public and
12 private property devoted to commercial and industrial use within the Abra River
13 Basin System, on any matter relating to pollution and existing or imminent
14 environmental hazard and danger;

15 y) Fix, impose, collect, periodically review and adjust reasonable fees
16 and other related charges for services rendered in the performance of its
17 mandate; and

18 z) Exercise powers and perform other functions as may be necessary
19 to carry out its duties and responsibilities under this Act.

20 **SEC. 7. *Corporate Powers.*** – The Authority shall exercise the following
21 corporate powers:

22 a) Succeed in its corporate name;

23 b) Sue and be sued in its corporate name;

24 c) Adopt, alter and use a corporate seal;

- 1 d) Adopt, amend or repeal its by-laws;
- 2 e) Enter into, make, perform and carry out contracts of any class, kind
3 and description with any person, firm or corporation, private or public and with
4 foreign government entities which are necessary or incidental to the realization
5 of its purpose;
- 6 f) Acquire, buy, purchase, hold or lease such personal and real
7 property as it deems necessary or convenient in the transaction of its business
8 or to lease, mortgage, sell, alienate or otherwise encumber, utilize, exploit or
9 dispose of any such personal and real property held by it, subject to prior or
10 existing individual or communal right of private parties or of the government or
11 any agency or enterprise thereof. No real property within the Abra River Basin
12 System shall be sold or disposed of without the approval of the President of the
13 Philippines;
- 14 g) Receive and utilize donations, grants, bequeaths and assistance of
15 all kinds from local and foreign governments and private sectors;
- 16 h) Exercise the right of eminent domain whenever the Authority deems
17 it necessary to carry out the objectives under this Act;
- 18 i) Borrow funds from any local or foreign sources independent of the
19 bonds it may issue to carry out the purposes of this Act;
- 20 j) Purchase, hold, alienate, mortgage, pledge or otherwise dispose of
21 the shares of the capital stock of or any bond, securities or other evidence of
22 indebtedness created by any other corporation, co-partnership or government
23 agencies or instrumentalities. The Authority shall not invest its funds in any

1 high-risk instruments or in any highly speculative stocks issued without
2 recourse to commercial banks or investment houses;

3 k) Perform any acts which a corporation or a juridical person is
4 authorized to perform under the existing laws;

5 l) Provide incentives to encourage the private sector to fully subscribe
6 to its shares of stock; and

7 m) Issue such other rules and regulations as may be deemed necessary
8 to carry out the purposes of this Act.

9 **SEC. 8. Board of Directors.** – The corporate powers of the Authority shall
10 be vested in and exercised by a Board of Directors, hereinafter referred to as the
11 Board, which shall be composed of the following:

12 a) General manager of the Authority, as chairperson;

13 b) Secretary of the DENR, as *ex-officio* vice-chairperson;

14 c) Secretary of the DPWH, as *ex-officio* member;

15 d) Secretary of the DILG, as *ex-officio* member;

16 e) A representative from the Office of the Governor of the Province of
17 Abra; and

18 f) Two (2) representatives from the private sector who are shareholders
19 or stakeholders in the Abra River, as members.

20 The *ex-officio* members of the Board may designate the officer next in rank
21 as a permanent alternate representative to the Board.

22 The appointment and qualification of the members of the Board shall be
23 in accordance with the provisions of Republic Act No. 10149, otherwise known
24 as the “GOCC Governance Act of 2011.” The Governance Commission for

1 Government-Owned or-Controlled Corporations shall give utmost consideration
2 to the nominees recommended by the general manager. The general manager
3 shall recommend at least three (3) names for every vacant position.

4 **SEC. 9. Powers and Functions.** – The Board shall exercise the following
5 powers and functions:

6 a) Provide a comprehensive policy guidance for the rehabilitation and
7 development of the Abra River Basin System;

8 b) Prescribe and promulgate policies, rules and regulations to govern
9 the conduct of business of the Authority and ensure that the Authority performs
10 its functions in a proper, efficient and effective manner;

11 c) Decide the objectives, strategies and policies of the Authority in
12 accordance with the provisions of this Act;

13 d) Exercise appellate powers on the decision of the general manager;

14 e) Issue subpoena *ad testificandum* or subpoena *duces tecum* requiring
15 the attendance and testimony of witnesses in any matter or inquiry pending
16 before the Board and requiring the production of books, papers, contracts,
17 agreements and all other documents;

18 f) Exercise appellate powers to order the taking of depositions at any
19 stage of any proceeding or investigation pending before the Board;

20 g) Approve the organizational and administrative structures and the
21 corresponding staffing pattern of the Authority; fix their reasonable
22 compensation, allowances and other benefits in accordance with the Salary
23 Standardization Law; prescribe their duties and establish such methods and
24 procedures as may be necessary to ensure the efficient, honest and economical

1 administration of the provisions and purposes of this Act: *Provided*, That all
2 personnel of the Authority below the rank of the general manager shall be
3 appointed by the chairperson of the Board: *Provided, further*, That the personnel
4 appointed by the general manager, except those below the rank of department
5 heads, and others of comparable rank, shall be subject to the confirmation of the
6 Board: *Provided, finally*, That the personnel of the Authority shall be selected
7 only from those with civil service eligibility and shall be subject to civil service
8 laws, rules and regulations;

9 h) Approve the annual and supplemental budgets of the Authority and
10 authorize each operating and capital expenditures and disbursements as may be
11 necessary for the effective management, operation and administration of the
12 Authority;

13 i) Create and organize *ad-hoc* technical working groups composed of
14 representatives from the government and other stakeholders to assist the Board;
15 and

16 j) Perform such other functions as may be necessary to carry out the
17 provisions of this Act.

18 SEC. 10. **Quorum.** – The presence of at least five (5) members of the Board
19 shall constitute a quorum and the majority vote of at least four (4) members in a
20 meeting where a quorum is present shall be necessary for the adoption of any
21 rule, ruling, order, resolution, decision or other act of the Board in the exercise
22 of its functions.

23 SEC. 11. **Board Meetings.** – The Board shall meet regularly once a month
24 and may hold special meetings to consider urgent matters upon the call of the

1 chairperson or upon the initiative of five (5) members. The rules and procedures
2 in the conduct of Board meetings shall be prescribed by the Board.

3 SEC. 12. **Per Diems.** – The members of the Board shall receive a *per diem*
4 for each meeting actually attended. The *per diems* of the members of the Board
5 shall be determined by the Board in accordance with the existing rules and
6 regulations.

7 SEC. 13. **General Manager.** – The Authority shall be headed by a general
8 manager who shall be the chief executive officer and shall exercise the following
9 powers and functions:

10 a) Submit for consideration of the Board, the policies and measures
11 that are necessary to carry out the purposes and objectives of this Act;

12 b) Head and administer the Abra River Basin Adjudication Panel as the
13 implementing arm for the quasi-judicial powers of the Authority;

14 c) Execute, administer and implement the policies, plans, programs
15 and projects approved by the Board;

16 d) Manage and supervise the operation and administration of the
17 Authority;

18 e) Appoint all officials and employees of the Authority below the rank
19 of the executive director and remove, suspend or otherwise discipline the same
20 for cause, in accordance with existing civil service laws, rules and regulations;

21 f) Submit quarterly reports to the Board on personnel selection,
22 placement and training;

23 g) Render an annual report to the Board and various stakeholders
24 regarding the operation of the Authority including its latest financial statements;

1 h) Represent the Authority in all its dealings with offices, agencies, and
2 instrumentalities of the government and with all persons and other entities,
3 public or private, domestic and foreign; and

4 i) Perform such other functions as may be provided in the by-laws and
5 as may be vested by the Board.

6 The general manager shall be vested with the rights, privileges,
7 disqualifications and prohibitions of a general manager as prescribed by existing
8 Position Classification and Compensation Scheme, laws, issuances and
9 pertinent civil service rules and regulations.

10 SEC. 14. **Qualifications.** – The general manager must be:

11 a) A citizen and resident of the Philippines;

12 b) At least thirty-five (35) years of age;

13 c) With good moral character, unquestionable integrity and recognized
14 competence; and

15 d) A degree holder with at least five (5) years supervisory or
16 management experience in the field of public administration, economic planning,
17 environmental planning and natural resource management, or in the
18 establishment and management of large agricultural, commercial or industrial
19 enterprises or other related fields.

20 SEC. 15. **Term of Office.** – The general manager shall be appointed by the
21 President of the Philippines and shall have a term of six (6) years which may be
22 extended for another non-extendible term of two (2) years. The general manager
23 shall only be removed for cause in accordance with the rules and regulations
24 prescribed by the Civil Service Commission.

1 SEC. 16. **Management Structure.** – In carrying out the activities of the
2 Authority, the general manager shall be assisted by an assistant general
3 manager and four (4) department heads: one (1) for legal services, one (1) for
4 administration and finance services, one (1) for technical services, and one (1)
5 for social development and advocacy, who shall have such powers, duties and
6 functions as the general manager may prescribe or delegate. The assistant
7 general manager shall act as the general manager in the absence or during the
8 temporary incapacity of the general manager or until such time that a new
9 general manager has been duly appointed.

10 The Authority shall have the following departments under the direct
11 supervision and control of the general manager:

12 a) *Enforcement and Legal Service Department* which shall provide legal
13 advice and support to all the corporate units on legal implications of the various
14 undertakings of the Authority. It shall also provide professional assistance in
15 the implementation of the quasi-judicial and regulatory functions of the
16 Authority, which include enforcement of environmental protection, proper
17 procedures on investigation, litigation, adjudication and voluntary arbitration.
18 This department shall oversee and manage the operations of barangay waterways
19 water quality surveillance, monitoring and enforcement units.

20 b) *Administrative and Finance Department* which shall be responsible
21 for providing services related to administrative support services such as
22 consolidation of major final output, preparation of personnel evaluation system,
23 human resource management, revenue planning, generation and enhancement,

1 budget and financial matters, records management, safekeeping of financial
2 assets, and general services.

3 c) *Technical and Environmental Management Services Department*
4 which shall serve as the main regulatory and technical arm of the authority and
5 shall oversee the integration of the functions on river basin management and
6 development, including the management and operations of the GIS-Mapping unit
7 and laboratories. This department shall also be responsible for providing
8 scientific studies, technical policy planning, research and development, and
9 technology management services.

10 d) *Social Development and Advocacy Department* which shall be
11 responsible for resettlement and relocation of informal settlers including their
12 social preparation. It shall also be responsible for dissemination of information
13 and educational campaign.

14 SEC. 17. **Power to Administer Oaths.** – The members of the Board, the
15 general manager and other duly designated officers of the Authority, shall have
16 the authority to administer oaths in the transaction and performance of their
17 official duties.

18 SEC. 18. **Consultative Assembly.** – There shall be established a
19 consultative assembly which shall serve as venue for public consultations and
20 participation by stakeholders and presentation of the Authority's plans and
21 programs or modification, amendment or revision of rules and regulations prior
22 to its adoption or implementation within its jurisdiction. The consultative
23 assembly shall be composed of the following:

1 a) Mayors of the cities and municipalities comprising the Abra River
2 Basin System;

3 b) The president of the association of barangay captains in cities and
4 municipalities comprising the Abra River Basin System;

5 c) A representative of owners, proprietors and authorized operators of
6 all major private, commercial or industrial business establishments located in
7 all barangays comprising the Abra River Basin System; and

8 d) One (1) representative each for the homeowner associations, civil
9 society organizations and peoples' organizations in the Abra River Basin System.

10 The Authority shall convene an annual year-end general assembly to
11 report and present its financial and fiscal status and updates on its plans,
12 programs and projects to its stakeholders and to the public. The required
13 logistical support, such as food and transportation allowances shall be provided
14 to the members of the Board and the consultative assembly during the meeting
15 at the expense of the Authority subject to government accounting and auditing
16 procedures.

17 SEC. 19. **Additional Offices.** – The Board may create additional offices it
18 may deem necessary for the effective implementation of this Act not later than
19 twelve (12) months from the date of the effectivity of this Act.

20 SEC. 20. **Enforcement Powers.** – The Authority shall have enforcement
21 powers within the Abra River Basin System to carry out the functions and attain
22 the purposes and objectives declared under this Act. The grant of such powers
23 shall be in conformity with the functions exclusively provided by law to be
24 exercised by the PNP and other government agencies. The Authority may request

1 the assistance of other law enforcement agencies, including request for
2 deputation as may be required. Such enforcement power shall be exercised in
3 connection with the operations of barangay waterways water quality
4 surveillance, monitoring and enforcement units, and implementation of rules
5 and regulations promulgated by the Board pursuant to the authority granted
6 under this Act.

7 SEC. 21. **Power to Investigate Violations.** – The general manager, *motu*
8 *proprio* or at the instance of a private person or the Board, may conduct
9 investigations based on the procedures that the Board may prescribe in
10 accordance with the provisions of the Rules of Court serving as supplemental
11 guidelines.

12 SEC. 22. **Cease and Desist Order.** – The general manager, after due
13 investigation, may issue a cease-and-desist order to immediately halt any
14 practice found to be in violation of the provisions of this Act. Such order shall
15 be without prejudice to the civil or criminal prosecution of persons under the
16 existing laws.

17 SEC. 23. **Abra River Adjudication Panel.** – To carry out effectively the
18 quasi-judicial powers of the Authority, there shall be created an Abra River Basin
19 Adjudication Panel, hereinafter referred to as the “Adjudication Panel.” The
20 Adjudication Panel shall be composed of the general manager as the head, one
21 (1) *ex-officio* board member and one (1) board member from the private sector, to
22 be elected by the board members from among themselves.

23 The Adjudication Panel shall have the following powers and functions:

1 a) Issue preliminary or permanent injunctions whether prohibitory or
2 mandatory, in all cases in which it has jurisdiction;

3 b) Issue subpoena and subpoena *duces tecum* and to summon
4 witnesses to appear in any proceedings of the Adjudication Panel, and administer
5 oaths and affirmations;

6 c) Punish for contempt, both direct and indirect, in accordance with
7 the pertinent provisions of and the penalties prescribed by the Rules of Court;

8 d) Conduct investigations and hearings on the complaints for violation
9 of the environmental laws and of this Act, issue show cause orders, decisions or
10 ruling and impose fines and penalties for such violations;

11 e) Issue notices of violations or non-compliance, cease and desist
12 orders and other related orders necessary for the enforcement of existing
13 environmental laws and rules and regulations of this Act;

14 The Adjudication Panel is mandated to take cognizance and adjudicate
15 violations of this Act. Any decision, order or resolution shall be concurred in by
16 the majority members of the panel and duly signed by the general manager. The
17 decision, order or resolution of the Adjudication Panel may be appealed to the
18 Board within fifteen (15) days from receipt of the decision, order or resolution.
19 The decision of the Board may be further appealed to any court of competent
20 jurisdiction in accordance with the provisions of the Rules of Court.

21 **SEC. 24. *Clean-Up Operations.*** – In addition to the provisions of Section
22 26 hereof, any person who causes pollution in or pollutes the Abra River or any
23 of its tributaries in excess of the applicable and prevailing standards shall be
24 responsible to contain, remove and clean-up any pollution incident at the

1 polluter's own expense: *Provided*, That in the event emergency clean-up
2 operations are necessary and the polluter fails to immediately undertake the
3 same, the Authority, in coordination with other government agencies concerned,
4 shall conduct containment, removal and clean-up operations. Expenses incurred
5 in said operations shall be reimbursed by the persons found to have caused such
6 pollution upon proper administrative determination in accordance with this Act.
7 Reimbursements of the cost incurred shall be made to the Authority's fund for
8 the development of the Abra River.

9 **SEC. 25. *Prohibited Acts.*** – The following acts are prohibited:

10 a) Discharging, depositing or causing to be deposited matter of any
11 kind directly or indirectly along the margins or the water of the Abra River, where
12 the same shall be liable to be washed into surface water either by the tide, storm,
13 floods or other occurrences which cause water pollution or impede the natural
14 flow of the Abra River;

15 b) Discharging, injecting or allowing to seep into the soil or subsoil any
16 substance in any form that would pollute the Abra River groundwater. In the
17 case of geothermal projects, subject to the approval of the Authority, the
18 regulated discharge for short-term activities such as well testing, flushing,
19 commissioning, venting and deep re-injection of geothermal liquids may be
20 allowed: *Provided*, That safety measures are adopted to prevent the
21 contamination of the groundwater;

22 c) Operating facilities and discharging regulated water pollutants
23 without the valid required permits or under a revoked permit in violation of any
24 condition imposed by the Authority;

- 1 d) Disposal of potentially infectious medical waste into the Abra River
2 and its tributaries;
- 3 e) Unauthorized transport or dumping of sewage sludge, solid waste,
4 or commercial, industrial and institutional waste into the Abra River and its
5 tributaries and waterways;
- 6 f) Transporting, dumping or discharging of prohibited chemicals, toxic
7 substances, hazardous and nuclear waste into the Abra River;
- 8 g) Operating facilities that discharge or allow to seep, willfully or
9 through gross negligence, prohibited chemicals, toxic, hazardous and nuclear
10 waste, or pollutants into the waterways wherein the same shall be washed into
11 the surface and ground water of the Abra River;
- 12 h) Undertaking activities, development and expansion projects or
13 operating wastewater and sewerage facilities in violation of Environmental
14 Impact Statement System established under Presidential Decree No. 1586 and
15 its implementing rules and regulations;
- 16 i) Discharging regulated water pollutants without the valid required
17 discharge permit pursuant to this Act or after the permit was revoked for any
18 violation of the condition therein;
- 19 j) Refusal to allow entry, inspection and monitoring by the Authority;
- 20 k) Refusal to allow access by the Authority to relevant reports and
21 records;
- 22 l) Refusal or failure to submit reports whenever required by the
23 Authority;

1 m) Refusal or failure to designate pollution control officers whenever
2 required by the Authority in accordance with this Act; and

3 n) Directly using booster pumps in the distribution system or
4 tampering with the water supply in such a way as to alter or impair the quality
5 of water.

6 SEC. 26. **Penal Clause.** – Any person who commits any of the prohibited
7 acts mentioned in Section 25 hereof or any rule and regulation promulgated
8 pursuant thereto shall be punished by imprisonment of not less than two (2)
9 years but not more than four (4) years or a fine of not less than Fifty thousand
10 pesos (P50,000.00) but not more than One hundred thousand pesos
11 (P100,000.00), or both. In case of failure or refusal to undertake clean-up
12 operations mentioned in Section 24 hereof, any person who, willfully or through
13 gross negligence causes serious injury, loss of life, or irreversible water
14 contamination of surface or ground water, shall be punished with imprisonment
15 of not less than six (6) years and one day to not more than twelve (12) years or a
16 fine of Five hundred thousand pesos (P500,000.00) per day for each day during
17 which the omission or contamination continues.

18 If the offender is a corporation or a juridical person, the officers thereof
19 who have knowingly participated in the violation shall be held liable.

20 SEC. 27. **Incentives.** – The Authority may provide incentives to industries
21 and commercial enterprises that undertake necessary measures to abate
22 pollution within the Abra River Basin System and to the government agencies
23 involved in the construction of parks, river control structures, revetments along
24 the river banks, anti-pollution devices, contraptions, appurtenances, bio-

1 remediation and containment systems, cleaner technology systems for
2 wastewater treatment and sewerage facilities and solid-waste and garbage
3 disposal systems, and other related equipment.

4 Investment incentives shall be provided by the Authority to the industries,
5 organizations and persons whose activities will enhance the utilization of the
6 Abra River and its environs such as clean-up operations, dredging and sediment
7 removal or de-siltation projects, recreation, tourism and other programs that will
8 revive, improve and enhance the ecological system of the Abra River Basin
9 System.

10 SEC. 28. **Annual Fees.** – The Authority shall be authorized to collect
11 annual fees from private business establishments, individual or corporation,
12 including residential establishments such as townhouses, apartments, hotels,
13 condominiums, condotels, medical hospitals and wet markets, both private and
14 public, whose wastewater disposal facilities are connected to the sewerage
15 system located within the Abra River Basin System or which wastewater
16 eventually drains or seeps to the Abra River. The fees collected shall be used
17 solely for rehabilitation and sustainable development of the Abra River Basin
18 System.

19 SEC. 29. **Fiscal Autonomy.** – The Authority shall enjoy fiscal autonomy.
20 All funds earned by the Authority from the collection or levy or from all fees,
21 charges, dues, assessments and fines collected pursuant to this Act shall be
22 used solely to fund its operations.

23 SEC. 30. **Capitalizations and Financing.** – The Authority shall have an
24 authorized capital of Four hundred million pesos (P400,000,000.00). The

1 authorized capital shall be divided into two million (2,000,000) shares of stock
2 with a par value of Two hundred pesos (P200.00) per share. The National
3 Government shall fully subscribe to ninety percent (90%) of the authorized
4 capital, of which at least fifty percent (50%) shall have been fully paid; while ten
5 percent (10%) of the shares shall be subscribed and paid by the Provincial
6 Government of Abra.

7 SEC. 31. **Funding.** – The amount necessary to subscribe and pay for the
8 remaining shares of the National Government to the capital stock of the Authority
9 shall be included in the annual General Appropriations Act. For the Provincial
10 Government of Abra, the funds for subscription shall be taken from their internal
11 revenue allotment and other local funds.

12 SEC. 32. **Exemption from Taxes, Customs and Tariff Duties.** – The
13 importation of equipment, machineries, spare parts, accessories and other
14 materials including supplies and services which are used solely and exclusively
15 for the operations of the Authority and are not available locally shall be exempt
16 from all direct and indirect taxes, wharfage fees and other charges. All
17 obligations entered into by the Authority and any income derived therefrom,
18 including those contracted with private international banking and financial
19 institutions shall be exempt from all taxes including the principal and the
20 interest. The Authority is also exempt from the payment of capital gains tax,
21 documentary stamp tax, real property estate tax and all other local government
22 taxes and fees.

23 SEC. 33. **Auditor.** – The chairperson of the Commission on Audit (COA)
24 shall be the *ex-officio* Auditor of the Authority. For this purpose, the chairperson

1 may appoint a representative and the necessary personnel who shall audit the
2 Authority.

3 All accounts and expenses of the Authority shall be audited by the
4 Commission on Audit or its duly authorized representative.

5 SEC. 34. **Joint Congressional Oversight Committee.** – There is hereby
6 created a Joint Congressional Oversight Committee to monitor the
7 implementation of this Act. The oversight committee shall be composed of five
8 (5) Senators and five (5) Representatives to be appointed by the Senate President
9 and the Speaker of the House of Representatives, respectively. The oversight
10 committee shall be co-chaired by the chairpersons of the Committee on
11 Environment of the Senate and the Committee on Ecology of the House of
12 Representatives.

13 SEC. 35. **Implementing Rules and Regulations.** – Within ninety (90)
14 days from the approval of this Act, the Board shall issue the necessary rules and
15 regulations for the effective implementation of this Act. The implementing rules
16 and regulations shall be published in the *Official Gazette* or in a newspaper of
17 general circulation.

18 SEC. 36. **Repealing Clause.** – All laws, decrees, executive orders, rules
19 and regulations and issuances, or parts thereof, inconsistent with the provisions
20 of this Act are hereby repealed accordingly.

21 SEC. 37. **Separability Clause.** – If any provision of this Act is declared
22 unconstitutional or invalid, the other provisions not otherwise affected shall
23 remain in full force and effect.

1 SEC. 38. **Effectivity.** – This Act shall take effect fifteen (15) days after its
2 publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,