



Republic of the Philippines
House of Representatives
Quezon City, Metro Manila
Seventeenth Congress
First Regular Session
HOUSE BILL NO. 3231

HOUSE OF REPRESENTATIVES	
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BILLS AND LEGISLATIVE SERVICE	

Introduced by Honorable Joseph Sto. Niño B. Bernos

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 traverses 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.

In 2014, former Representative Maria Jocelyn Valera-Bernos of the Lone District of the Province of Abra filed House Bill No. 4937 seeking the creation of the Abra River Basin Development Authority. While it had the same intent as this proposed measure, certain modifications had to be introduced to properly reflect actual issues that threaten the ecology and beneficial use of the Abra River. House Bill No. 5641 filed by the Honorable Jose Christopher Belmonte also served as a

guide in the organizational and operational structure of the proposed Abra River Basin Development Authority.

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 liveability 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.



JOSEPH STO. NINO B. BERNOS



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HOUSE BILL NO. 3231

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AN ACT

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

*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 “*Abra River
Basin Development Authority Act.*”

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

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

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

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

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

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

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

20 d) *Hazardous waste* refers to solid waste or combination of solid waste
21 which, because of its quantity, concentration, or physical, chemical or infectious
22 characteristic, may cause or significantly contribute to an increase in mortality or

1 an increase in serious irreversible or incapacitating illness, or pose a substantial
2 present or potential hazard to human health or the environment when improperly
3 treated, stored, transported or disposed of or otherwise managed; and

4 e) *Land swapping* refers to the process of land acquisition by exchanging
5 land for another piece of land of equal value or for shares of stock in a government
6 or quasi-government corporation whose book value is of equal value to the land
7 being exchanged, for the purpose of planned and rational development such as
8 provision for wastewater treatment facilities and socialized housing where land
9 values are determined based on land classification, market value and assessed
10 value taken from existing tax declarations and wherein valuable lands owned by
11 private persons may be exchanged with less valuable 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 to
15 be known as the Abra River Basin Development Authority, hereinafter referred to
16 as the “Authority.” The Authority shall be the primary government agency that
17 shall coordinate, plan, manage and implement the development programs and
18 resource utilization in the Abra River Basin System. The Authority shall execute
19 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

1 Abra River and the industrial, commercial, business, residential, recreational and
2 other private and public areas contiguous to the environmental preservation areas,
3 as may be determined by the Authority.

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

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

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

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

d) Mining laws and regulations, including Republic Act No. 7492, otherwise known as the "*Philippine Mining Act of 1995*" and Executive Order No. 79, Series of 2012, among others, shall be implemented to regulate commercial, industrial and similar activities in areas along Abra River and its major tributaries;

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

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

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

h) Massive information and education campaign shall be conducted to amplify stakeholder awareness and voluntary participation on the importance of

1 environmental restoration, rehabilitation, protection and conservation of the Abra
2 River Basin System in close coordination with LGUs and other government
3 agencies.

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

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

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

1 of critical effluent discharge areas, and transportation and navigation attributes,
2 historical and tourism elements;

3 c) Engage the services of the private sector through the Public-Private
4 Partnership (PPP) process or through the Built Operate and Transfer (BOT)
5 Scheme under Republic Act No. 6957, entitled "*An Act Authorizing the Financing*
6 *Construction, Operation and Maintenance of Infrastructure Project by the Private*
7 *Sector, and For Other Purposes,*" or other acceptable forms of partnership and
8 agreements in establishing its own water quality laboratory, environmental,
9 biological and microbiological laboratory, GIS-mapping system, surveillance,
10 monitoring and enforcement system through high-definition closed circuit
11 televisions or other surveillance and monitoring technologies and new technologies
12 on highly-specialized fields including sewerage and sewage treatment systems
13 which require the expertise and investment of the private sector;

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

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

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

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

8 h) Formulate and implement the comprehensive Abra River
9 Rehabilitation Roadmap and Master Plan with the help of the NEDA and other
10 agencies or entities;

11 i) Review all plans, projects and programs on the Abra River Basin
12 System and the expansions thereto including those submitted by LGUs, public
13 corporations, public utility franchisees, concessionaires, private persons or
14 corporations that relate to the development of the Abra River Basin System to
15 ensure that they conform to environmental standards prescribed by the Authority
16 and other environmental laws;

17 j) Through proper coordination with the DPWH and other appropriate
18 government agencies, implement infrastructure projects such as flood control, solid
19 waste management, wastewater and sewerage, water supply, access roads, access
20 ports, housing, leisure parks and related works within the context of its master plan
21 including the readjustment, relocation or resettlement of population within the
22 Abra River Basin System that may be deemed necessary and beneficial in pursuit

1 of its mandate. In case any of these projects is financed wholly or in part by the
2 Authority, it shall have authority to collect fees and tolls from users or
3 beneficiaries to recover costs of construction and maintenance of the projects.
4 Infrastructure projects which are in the nature of social overhead capital projects
5 shall be entitled to receive the corresponding financial assistance from the
6 government;

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

9 l) Conduct, in close coordination with the DENR, DOST, the academe
10 and other private and public research institutions, continuing research and
11 development programs on water quality management technologies, integrated
12 water resource management models and techniques, and appropriate wastewater
13 technologies, with the end view of promoting sustainable development;

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

18 n) Adopt rules and regulations governing the approval of sewage works
19 and industrial waste treatment and disposal systems and the issuance of clearances
20 or permits in accordance with the provisions of this Act and inspect the
21 construction and maintenance of sewerage works and industrial waste treatment
22 and disposal systems in compliance with clearance or permit conditions;

1 o) Require all projects or activities affecting the Abra River Basin
2 System to secure environmental compliance certificates (ECCs) required under
3 Presidential Decree No. 1586 and grant clearances and permits for projects and
4 activities within or affecting the Abra River Basin System including industrial and
5 commercial activities, recreation and tourism, navigation, housing and other forms
6 of land developments, construction and operation and impose necessary
7 safeguards, management and control of wastewater and collect necessary fees for
8 such activities and projects;

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

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

18 r) Require subdivisions, condominiums, clinical and medical
19 establishments, mortuaries, car and motor repair shops, private and public markets,
20 abattoirs, private and public buildings and other similar structures within the Abra
21 River Basin System to construct and provide appropriate individual and
22 decentralized wastewater and sanitary treatment plants, or centralized sewerage

1 systems and sewage treatment facilities. The Authority shall impose reasonable
2 fees and other similar charges for the issuance or renewal of all the required
3 permits;

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

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

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

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

16 w) Deputize or request the assistance of appropriate government agencies
17 or instrumentalities for the purpose of enforcing the provisions of this Act and its
18 implementing rules and regulations and the orders and decisions of the Authority;

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

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

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

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

8 a) Succeed in its corporate name;

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

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

11 d) Adopt, amend or repeal its by-laws;

12 e) Enter into, make, perform and carry out contracts of any class, kind
13 and description with any person, firm or corporation, private or public and with
14 foreign government entities which are necessary or incidental to the realization of
15 its purpose;

16 f) Acquire, buy, purchase, hold or lease such personal and real property
17 as it deems necessary or convenient in the transaction of its business or to lease,
18 mortgage, sell, alienate or otherwise encumber, utilize, exploit or dispose of any
19 such personal and real property held by it, subject to prior or existing individual or
20 communal right of private parties or of the government or any agency or enterprise
21 thereof. No real property within the Abra River Basin System shall be sold or
22 disposed of without the approval of the President of the Philippines;

1 g) Receive and utilize donations, grants, bequeaths and assistance of all
2 kinds from local and foreign governments and private sectors;

3 h) Exercise the right of eminent domain whenever the Authority deems it
4 necessary to carry out the objectives under this Act;

5 i) Borrow funds from any local or foreign sources independent of the
6 bonds it may issue to carry out the purposes of this Act;

7 j) Purchase, hold, alienate, mortgage, pledge or otherwise dispose of the
8 shares of the capital stock of or any bond, securities or other evidence of
9 indebtedness created by any other corporation, co-partnership or government
10 agencies or instrumentalities. The Authority shall not invest its funds in any high
11 risk instruments or in any highly speculative stocks issued without recourse to
12 commercial banks or investment houses;

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

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

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

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

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

- b) Secretary of the DENR, as *ex-officio* vice-chairperson;
- c) Secretary of the DPWH, as *ex-officio* member;
- d) Secretary of the DILG, as *ex-officio* member;
- e) A representative from the Office of the Governor of the Province of Abra; and
- f) Two (2) representatives from the private sector who are shareholders or stakeholders in the Abra River, as members.

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

The appointment and qualification of the members of the Board shall be in accordance with the provisions of Republic Act No. 10149, otherwise known as the “GOCC Governance Act of 2011.” The Governance Commission for Government-Owned or-Controlled Corporations shall give utmost consideration to the nominees recommended by the general manager. The general manager shall recommend at least three (3) names for every vacant position.

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

- a) Provide a comprehensive policy guidance for the rehabilitation and development of the Abra River Basin System;
- b) Prescribe and promulgate policies, rules and regulations to govern the conduct of business of the Authority and ensure that the Authority performs its functions in a proper, efficient and effective manner;

- 1 c) Decide the objectives, strategies and policies of the Authority in
2 accordance with the provisions of this Act;
- 3 d) Exercise appellate powers on the decision of the general manager;
- 4 e) Issue subpoena *ad testificandum* or subpoena *duces tecum* requiring
5 the attendance and testimony of witnesses in any matter or inquiry pending before
6 the Board and requiring the production of books, papers, contracts, agreements and
7 all other documents;
- 8 f) Exercise appellate powers to order the taking of depositions at any
9 stage of any proceeding or investigation pending before the Board;
- 10 g) Approve the organizational and administrative structures and the
11 corresponding staffing pattern of the Authority; fix their reasonable compensation,
12 allowances and other benefits in accordance with the Salary Standardization Law;
13 prescribe their duties and establish such methods and procedures as may be
14 necessary to ensure the efficient, honest and economical administration of the
15 provisions and purposes of this Act: *Provided*, That all personnel of the Authority
16 below the rank of the general manager shall be appointed by the chairperson of the
17 Board: *Provided, further*, That the personnel appointed by the general manager,
18 except those below the rank of department heads, and others of comparable rank,
19 shall be subject to the confirmation of the Board: *Provided, finally*, That the
20 personnel of the Authority shall be selected only from those with civil service
21 eligibility and shall be subject to civil service laws, rules and regulations;

1 h) Approve the annual and supplemental budgets of the Authority and
2 authorize each operating and capital expenditures and disbursements as may be
3 necessary for the effective management, operation and administration of the
4 Authority;

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

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

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

15 SEC. 11. ***Board Meetings.*** – The Board shall meet regularly once a
16 month and may hold special meetings to consider urgent matters upon the call of
17 the chairperson or upon the initiative of five (5) members. The rules and
18 procedures in the conduct of Board meetings shall be prescribed by the Board.

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

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

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

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

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

10 d) Manage and supervise the operation and administration of the
11 Authority;

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

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

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

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

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

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

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

- 8 a) A citizen and resident of the Philippines;
9 b) At least thirty-five (35) years of age;
10 c) With good moral character, unquestionable integrity and recognized
11 competence; and
12 d) A degree holder with at least five (5) years supervisory or
13 management experience in the field of public administration, economic planning,
14 environmental planning and natural resource management, or in the establishment
15 and management of large agricultural, commercial or industrial enterprises or other
16 related fields.

17 SEC. 15. *Term of Office.* – The general manager shall be appointed by
18 the President of the Philippines and shall have a term of six (6) years which may be
19 extended for another non-extendible term of two (2) years. The general manager
20 shall only be removed for cause in accordance with the rules and regulations
21 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 manager
3 and four (4) department heads: one (1) for legal services, one (1) for administration
4 and finance services, one (1) for technical services, and one (1) for social
5 development and advocacy, who shall have such powers, duties and functions as
6 the general manager may prescribe or delegate. The assistant general manager
7 shall act as the general manager in the absence or during the temporary incapacity
8 of the general manager or until such time that a new general manager has been duly
9 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 the
15 implementation of the quasi-judicial and regulatory functions of the Authority,
16 which include enforcement of environmental protection, proper procedures on
17 investigation, litigation, adjudication and voluntary arbitration. This department
18 shall oversee and manage the operations of barangay waterways water quality
19 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,

1 human resource management, revenue planning, generation and enhancement,
2 budget and financial matters, records management, safekeeping of financial assets,
3 and general services.

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

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

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

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

1 its adoption or implementation within its jurisdiction. The consultative assembly
2 shall be composed of the following:

3 a) Mayors of the cities and municipalities comprising the Abra River
4 Basin System;

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

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

10 d) One (1) representative each for the homeowners associations, civil
11 society organizations and peoples' organizations in the Abra River Basin System.

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

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

21 SEC. 20. *Enforcement Powers.* – The Authority shall have enforcement
22 powers within the Abra River Basin System to carry out the functions and attain

1 the purposes and objectives declared under this Act. The grant of such powers
2 shall be in conformity with the functions exclusively provided by law to be
3 exercised by the PNP and other government agencies. The Authority may request
4 the assistance of other law enforcement agencies, including request for deputation
5 as may be required. Such enforcement power shall be exercised in connection with
6 the operations of barangay waterways water quality surveillance, monitoring and
7 enforcement units, and implementation of rules and regulations promulgated by the
8 Board pursuant to the authority granted under this Act.

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

13 SEC. 22. *Cease and Desist Order.* – The general manager, after due
14 investigation, may issue a cease and desist order to immediately halt any practice
15 found to be in violation of the provisions of this Act. Such order shall be without
16 prejudice to the civil or criminal prosecution of persons under the 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 (1)
21 *ex-officio* board member and one (1) board member from the private sector, to be
22 elected by the board members from among themselves.

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

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

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

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

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

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

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

1 SEC. 24. ***Clean-Up Operations.*** – In addition to the provisions of Section
2 26 hereof, any person who causes pollution in or pollutes the Abra River or any of
3 its tributaries in excess of the applicable and prevailing standards shall be
4 responsible to contain, remove and clean-up any pollution incident at the polluter's
5 own expense: *Provided*, That in the event emergency clean-up operations are
6 necessary and the polluter fails to immediately undertake the same, the Authority,
7 in coordination with other government agencies concerned, shall conduct
8 containment, removal and clean-up operations. Expenses incurred in said
9 operations shall be reimbursed by the persons found to have caused such pollution
10 upon proper administrative determination in accordance with this Act.
11 Reimbursements of the cost incurred shall be made to the Authority's fund for the
12 development of the Abra River.

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

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

19 b) Discharging, injecting or allowing to seep into the soil or subsoil any
20 substance in any form that would pollute the Abra River groundwater. In the case
21 of geothermal projects, subject to the approval of the Authority, the regulated
22 discharge for short-term activities such as well testing, flushing, commissioning,

- 1 venting and deep re-injection of geothermal liquids may be allowed: *Provided,*
2 That safety measures are adopted to prevent the contamination of the groundwater;
- 3 c) Operating facilities and discharging regulated water pollutants without
4 the valid required permits or under a revoked permit in violation of any condition
5 imposed by the Authority;
- 6 d) Disposal of potentially infectious medical waste into the Abra River
7 and its tributaries;
- 8 e) Unauthorized transport or dumping of sewage sludge, solid waste, or
9 commercial, industrial and institutional waste into the Abra River and its tributaries
10 and waterways;
- 11 f) Transporting, dumping or discharging of prohibited chemicals, toxic
12 substances, hazardous and nuclear waste into the Abra River;
- 13 g) Operating facilities that discharge or allow to seep, willfully or
14 through gross negligence, prohibited chemicals, toxic, hazardous and nuclear
15 waste, or pollutants into the waterways wherein the same shall be washed into the
16 surface and ground water of the Abra River;
- 17 h) Undertaking activities, development and expansion projects or
18 operating wastewater and sewerage facilities in violation of Environmental Impact
19 Statement System established under Presidential Decree No. 1586 and its
20 implementing rules and regulations;

i) Discharging regulated water pollutants without the valid required discharge permit pursuant to this Act or after the permit was revoked for any violation of the condition therein;

j) Refusal to allow entry, inspection and monitoring by the Authority;

k) Refusal to allow access by the Authority to relevant reports and records;

l) Refusal or failure to submit reports whenever required by the Authority;

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

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

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

1 (P500,000.00) per day for each day during which the omission or contamination
2 continues.

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

5 SEC. 27. *Incentives.* – The Authority may provide incentives to
6 industries and commercial enterprises that undertake necessary measures to abate
7 pollution within the Abra River Basin System and to the government agencies
8 involved in the construction of parks, river control structures, revetments along the
9 river banks, anti-pollution devices, contraptions, appurtenances, bio-remediation
10 and containment systems, cleaner technology systems for wastewater treatment and
11 sewerage facilities and solid-waste and garbage disposal systems, and other related
12 equipment.

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

18 SEC. 28. *Annual Fees.* – The Authority shall be authorized to collect
19 annual fees from private business establishments, individual or corporation,
20 including residential establishments such as townhouses, apartments, hotels,
21 condominiums, condotels, medical hospitals and wet markets, both private and
22 public, whose wastewater disposal facilities are connected to the sewerage system

1 located within the Abra River Basin System or which wastewater eventually drains
2 or seeps to the Abra River. The fees collected shall be used solely for
3 rehabilitation and sustainable development of the Abra River Basin System.

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

8 SEC. 30. *Capitalizations and Financing.* – The Authority shall have an
9 authorized capital of Four hundred million pesos (P400,000,000.00). The
10 authorized capital shall be divided into two million (2,000,000) shares of stock
11 with a par value of Two hundred pesos (P200.00) per share. The National
12 Government shall fully subscribe to ninety percent (90%) of the authorized capital,
13 of which at least fifty percent (50%) shall have been fully paid; while ten percent
14 (10%) of the shares shall be subscribed and paid by the Provincial Government of
15 Abra.

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

21 SEC. 32. *Exemption from Taxes, Customs and Tariff Duties.* – The
22 importation of equipment, machineries, spare parts, accessories and other materials

1 including supplies and services which are used solely and exclusively for the
2 operations of the Authority and are not available locally shall be exempt from all
3 direct and indirect taxes, wharfage fees and other charges. All obligations entered
4 into by the Authority and any income derived therefrom, including those
5 contracted with private international banking and financial institutions shall be
6 exempt from all taxes including the principal and the interest. The Authority is
7 also exempt from the payment of capital gains tax, documentary stamp tax, real
8 property estate tax and all other local government taxes and fees.

9 SEC. 33. *Auditor.* – The chairperson of the Commission on Audit (COA)
10 shall be the *ex-officio* Auditor of the Authority. For this purpose, the chairperson
11 may appoint a representative and the necessary personnel who shall audit the
12 Authority.

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

15 SEC. 34. *Joint Congressional Oversight Committee.* – There is hereby
16 created a Joint Congressional Oversight Committee to monitor the implementation
17 of this Act. The oversight committee shall be composed of five (5) Senators and
18 five (5) Representatives to be appointed by the Senate President and the Speaker of
19 the House of Representatives, respectively. The oversight committee shall be co-
20 chaired by the chairpersons of the Committee on Environment of the Senate and
21 the Committee on Ecology of the House of Representatives.

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

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

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

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

14 Approved,