

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS

HOUSE BILL NO. 1189

HOUSE OF REPRESENTATIVES

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Introduced by Hon. Jesus N. Sacdalan, First District, North Cotabato

EXPLANATORY NOTE

The **Mindanao River Basin** or **(MRB)** for brevity, is the second largest river system in the Philippines, with a total catchment drainage area of 21,053 sq. kilometer. It is also the largest river system in the southern part of Mindanao, encompassing four (4) regions, namely: Region X, XI, XII and ARMM.

The MRB is composed of Pulangi River in Bukidnon, Ala (Allah) River in South Cotabato and Libungan River in North Cotabato. The Pulangi River with 1,500m head water elevation emanating from the north of Bukidnon is joined by eleven (11) tributaries which discharge to Liguasan Marsh in Maguindanao. The Ala (Allah) River with a headwater of 1,600m elevation is joined by three tributaries and one (1) lake that discharge to Ebpanan Marsh in Maguindanao/Cotabato City while Libungan River discharges to Libungan Marsh and all excesses of these three (3) marshes are exiting at Illana Bay. The Buayan-Malungon River Basin in Sarangani Province is an allied river basin of MRB. The Ambal – Simuay River of Sultan Kudarat Province is distinct and has a separate outlet to Illana Bay, however, Ambal River may possibly be joined with Nituan River in the future to regulate its flow into Simuay River.

In terms of climate condition, the MRB belongs to Type III under the Modified PAGASA Classification, meaning seasons are not very pronounced and relatively dry from November to April and wet during the rest of the year.

The MRB plays an important role in the socio-economic development as it serves multi -purpose uses, such as irrigation, source of hydropower and navigation . However the MRB is in problematic situation. The combined area of Liguasan, Ebpanan and Libungan Marshes is 285,000 hectares. As a natural flood retarding basin, during persistent heavy rainfall, its swelling could affect up to 350,000 hectares. The additional affected area of 65,000 hectares the flooded area includes the 13,000 hectares in Cotabato City. The present situation of the three marshes which received the waters from these river basins were reported to be heavily silted, obstructed and lack the needed capacity to convey excess flood waters and to flush out organic debris.

There have been programmatic interventions directed by the national leadership to address the management and development of river basins in Mindanao, but these intervention come and go with no permanency. To mention, there was the Presidential Decree No. 1556 issued on June 11, 1978 implementing the Cotabato -Agusan River Development Program and Creating the Cotabato-Agusan River Basin Program Office under the then Department of Public Works, Transportation and Communication , but this Program was abolished. On September 29, 2008, Executive Order No. 753, was issued, Creating the Presidential Task Force for Mindanao River Basin Rehabilitation and Development, with a life of two (2) years from its issuance. The Task Force had a mandate to address the flooding and siltation of the major rivers and the Liguasan Marsh, providing for an institutional mechanism to address the relief, physical and social rehabilitation and long-term development of the MRB and its affected areas, but the Task Force was not able to take off for some reasons or another.

Currently, initiatives are underway, undertaken by the Department of Public Works and Highways with the Mindanao Development Authority serving as the oversight institution, to provide an immediate and long-term intervention measures for the Mindanao River Basin rehabilitation, and development. An MRB Integrated Management and Development Master Plan (MRBIMDMP) was prepared in January

2012, Doable infrastructure projects are being implemented by the Department of Public Works and Highways.

However, this representation believes that there is a need for a body clothed with separate and distinct authority to manage and coordinate all efforts to address the problematic situation of the Mindanao River Basin because its solution requires a multi-disciplinary approach, to include, environmental, social, political/legal and economic interventions.

This bill therefore seeks for the implementation of the Mindanao River Basin Rehabilitation and Development Program and creating for this purpose, the Mindanao River Basin Development Authority which will provide the overall planning, management and coordinative services needed in the rehabilitation, development and protection of the major rivers in the Mindanao River Basin.

Hence, in view of the foregoing, the immediate passage of this bill is earnestly sought for.


REP. JESUS N. SACDALAN

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AN ACT

IMPLEMENTING THE MINDANAO RIVER BASIN REHABILITATION AND DEVELOPMENT PROGRAM, CREATING FOR THIS PURPOSE THE MINDANAO RIVER BASIN DEVELOPMENT AUTHORITY, DEFINING ITS POWERS AND FUNCTIONS, AND PROVIDING FUNDS THEREFORE AND FOR OTHER PURPOSES

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

Sec 1. Declaration of Policy - It is hereby declared the policy of the State to promote, and advance the proper development, control and utilization of the total water resources of the country in order to bring about its accelerated and sustained socio-economic development.

The Mindanao River Basin (MRB) encompassing four (4) regions, namely: Region X, XI, XII and ARMM with its current and prospective uses of their combined water resources are major determinants of the complex of human activities in the regions it directly served, and eventually, in the country as a whole. Towards this end, the State is duty-bound to ensure that the MRB and all its major rivers and tributaries shall be restored back to its original form, and the State shall focus its resources and capabilities to oversee the proper management of necessary and workable interventions and programs on flood control, on environmental and ecological protection, on socio-economic activities and on the legal –political aspects of MRB utilization, development and control.

Sec 2. - Creation of Mindanao River Basin Development Authority - There is hereby created the Mindanao River Basin Development Authority, also known as MRBDA, which shall be responsible in the overall management, planning, coordination and implementation of the Mindanao River Basin Rehabilitation and Development Program initially contained in the MRB Integrated Management and Development Master Plan (2012).

The Mindanao River Basin Development Authority (MRBDA) shall be attached to the Office of the President. The MRBDA shall perform the functions of planning, implementation, monitoring and evaluation and coordination, and in the process shall exercise regulatory and supervisory authority in the execution of programs and

projects without diminution of the authority of the local government units concerning matters granted to them under the Local Government Code.

All policies and programs, orders rules and regulations promulgated by the MRBDA in relation to its regulatory and supervisory authority and all transactions entered in the process of implementing the Mindanao River Basin Rehabilitation and Development Program shall be subject to the approval of the President of the Philippines.

Sec 3. Powers, Functions and Scope of Services of Mindanao River Basin Development Authority (MRBDA) - The MRBDA shall have the following powers, functions and scope of services:

- a) Preparation/updating of the Mindanao River Basin Integrated Management and Development Master Plan to focus on the rehabilitation of the silted major rivers, the development of flood control master plan in the medium and long term, interventions for watershed protection and management, environment and ecological condition in the MRB area and socio-economic programs utilizing the raw materials proliferating on the majors rivers and marshes.;
- b) Conduct or cause the conduct of engineering surveys, extent/level of siltation and watershed condition of the major rivers and its river system/ tributaries, for benchmarking purposes;
- c) Conduct or cause the conduct of regular assessment and monitoring of the environment /ecological condition of the Mindanao River Basin, as well as the conduct of socio-economic assessment of areas affected by the MRB;
- d) Provide overall coordination function with the concerned national agencies , regional development councils local government officials and local government functionaries, non-government development organizations in all phases of program/project cycle, and for this function, to design/formulate an effective coordinative mechanism;
- e) Conduct or cause the conduct of feasibility studies and the preparation/development of program/projects proposals which could be funded/proposed for funding by foreign financial institutions and or under the public-private partnership;
- f) Provide overall management (planning, monitoring and evaluation and control) of all programs and projects and such other interventions for the rehabilitation, protection, development and sustainability of the Mindanao River Basin and shall be accountable for its effective and efficient program/project implementation and fund management;
- g) Report annually, or as required, to the President and Congress of the Philippines of its activities including those in collaboration with various

government and private entities engaged in the implementation of the programs and projects. The report should highlight the contribution/impact of the MRB interventions to the overall societal goal and sectoral goals of development.

- h) Perform such functions as may be necessary to carry out the provisions of this Act.

Sec 4. Mindanao River Basin Development Authority Governing Body - The Mindanao River Basin Development Authority shall be governed by the MRB Council as its policy and decision making body to be composed of the following:

- a) Secretary of Public Works and Highways
- b) Director-General, National Economic Development Authority
- c) Secretary of Environment and Natural Resources
- d) Chairperson, Mindanao Development Authority
- e) Secretary of Agriculture
- f) Secretary of Interior and Local Government
- g) Secretary of Finance
- h) Secretary of Energy
- i) Administrator, National Irrigation Administration
- j) Secretary of Trade and Industry
- k) Secretary of Social Welfare and Development
- l) Chairperson of National Commission for Indigenous People
- m) Regional Governor, ARMM
- n) Provincial Governors of Maguindanao, North Cotabato, South Cotabato, Sultan Kudarat, Bukidnon, Sarangani
- o) City Mayors of Cotabato City, General Santos City, Koronadal City
- p) 4 Representatives from the Private Sector

The members of the Mindanao River Basin Council shall be headed a Chairperson to be elected from among its general membership. The Chairperson shall be assisted by a Vice Chairperson who will also be elected by the general membership. . After their election, the Chairperson and Vice Chairperson shall be appointed by the President of the Philippines. Considering the large membership of the MRB Council, an Executive Committee may be formed/organized to be composed of 5-7 members to be elected from among the general membership.

The representatives from the private sector shall be appointed by the President of the Philippines from among the lists of private sector representatives to the local development councils of Region X, XI, XII and ARMM.

The members of the MRB Council may nominate a permanent representative to the Council, provided the nominee shall be holding a permanent status with decision-making capacity.

The members of the MRB Council shall serve for three (3) years. Members of the MRB Council from the government sector shall receive allowances for actual meetings attended, and reimbursement for actual expenses for travels, accommodation and out-of-pocket expenses incurred in the performance of their duties. The members of the MRB Council from the private sector shall receive an honoraria and reimbursement of actual expenses for travel, accommodation and out-of-pocket expenses incurred in the performance of their functions.

Sec 5. Functions of the Mindanao River Basin Council – The MRB Council shall be the policy and decision-making body of the Mindanao River Basin Development Authority (MRB). Specifically, it shall:

- a) Approve the Mindanao River Basin Integrated Management and Development Master Plan, its programs and projects in accord with the Philippine Development Plan and the Mindanao Development Plan.
- b) The MRB Council shall formulate and issues guidelines, rules and regulations as may be deemed necessary in the efficient and effective execution by the MRBRDA of the purposes under this Act;
- c) Determine the rate of allowances, honoraria and other remuneration of the members of the MRB Council to take effect during the term of the succeeding Council, subject to the approval by the President of the Philippines;
- d) Determine the organizational structure and staffing pattern of the Mindanao River Basin Rehabilitation and Development Authority; subject to the approval by the Department of Budget and Management.
- e) Fix the compensation of the officers and personnel of the MRBRDA, and other package of benefits,
- f) Approve the annual budget of the Mindanao River Basin Development Authority to be submitted to the Department of Budget and Management for inclusion in the Annual National Expenditure Program.

Sec 6. Principal Office - The Mindanao River Basin Rehabilitation and Development Authority shall have its Office in Koronadal City, South Cotabato, Region XII (the regional center for Region XII) for easy coordination and linkaging with concerned national government offices. It may however, establish satellite offices in other strategic places within the Mindanao River Basin network system when deemed necessary for the efficient and prompt conduct of its activities.

Sec 7. Meetings of the MRB Council - The Mindanao River Basin Council shall hold regular meeting once every three (3) months in its principal office or in any place the Council may choose to hold such meeting. When there are matters that need to be acted upon by the Council and could not wait for the next Council meeting schedule, the Executive Committee will be convened to deliberate on the issues and

concerns at hand, provided the decision of the Executive Committee shall be submitted for ratification by the MRB Council.

Sec 8. Functions of the MRB Council Chairperson

- a) Appoint, subject to the civil service laws, rules and regulations, all subordinate officers and employees of the Mindanao River Basin Rehabilitation and Development Authority, who shall enjoy security of tenure and who may be removed only for cause in accordance with law. The MRB Chair is hereby authorized to engage the services of experts/consultants either on full time or part-time basis, as may be required in the effective performance of the functions and duties.
- b) Negotiate and/or arrange with foreign and local financial institutions for the funding of identified priority programs /projects both infrastructure and non-infrastructure whether for its rehabilitation, protection and/or development.
- c) Call upon any department, bureau, office, instrumentality or any political subdivision of the Government for any assistance it may need in the performance of its functions.
- d) Preside the meetings of the MRB Council
- e) Submit Annual Report of Operation to the President of the Philippines.

Sec 9. MRBRD Program Director - The Program Office shall be headed by a Program Director who shall be appointed by the MRB Council thru its Chairperson and shall serve until the completion of the Program, unless sooner removed from office for cause in accordance with law. The Program Director shall be a natural-born Filipino citizen, of legal age, of good moral character and with proven record of competence in the field of administration and management of infrastructure, agricultural, environment and other related program. The annual compensation of the Program Director shall be equivalent to the rank of regional executive director in national government agencies.

Sec 10. Functions of the Program Director - The Program Director shall exercise the following powers and functions:

- a) Manage the Program Office and formulate administrative rules and procedures for its internal management, for consideration/approval by the MRB Council
- b) Directly coordinate and oversee the activities of the subordinate officers and employees, work units and implementing national government agencies and instrumentalities in the planning, implementation and monitoring of the Program and its component projects.

- c) Review and integrate the plans, programs, projects, and budget proposals for the Program for consideration by the MRB Council and submit the same to the Department of Budget and Management.
- d) Serves as the Secretary to the MRB Council, and as such, keep records of all Council meetings and deliberation.
- e) Perform such functions as are inherently necessary in the operational management of the Program office.

Sec. 11 - Role, Functions and Responsibilities of the Implementing National Government Agencies and Instrumentalities - All designated national government agencies and instrumentalities shall execute the planning and project components of the program assigned to them and shall submit for approval by the MRB Council, through the Program Director, their respective annual project plans, budget and the corresponding work and financial plans within the Budget Call period of the Department of Budget and Management.

Sec 12 - Sources of Funds and Operating Budget of MRBRDP - To carry out the purposes of this Act, the amount of Five Hundred Million Pesos (P500,000.00) is hereby authorized to be appropriated for the initial operation of the MRBRDA. Thereafter, the annual expenditures including capital outlays of the MRBRDP shall be provided in the General Appropriations Act.

The MRBRDP is likewise empowered to levy fines and impose fees and charges for various services rendered.

Sec 13. - Repealing Clause - All laws, decrees, executive orders, rules and regulations or parts thereof inconsistent with or contrary to the provisions of this Act are hereby repealed or modified accordingly.

Sec 14. - Separability Clause - If any part or provision of this Act is held unconstitutional or invalid, other parts or provisions thereof which are not affected shall continue to remain in full force and effect.

Sec 15. - Effectivity - This Act shall take effect fifteen (15) days following completion of its publication in at least two (2) newspapers of general circulation.

Approved,