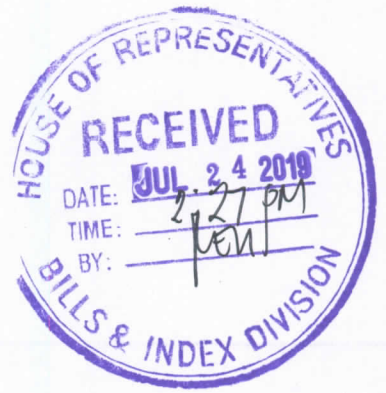


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

EIGHTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. **2653**



INTRODUCED BY **REP. JB 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.

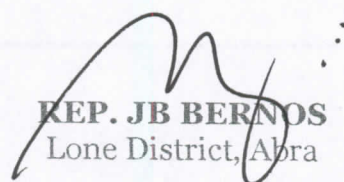
In 2014, former Representative Maria Jocelyn Valera-Bernos of the Lone District of the Province of Abra filed House Bill No. 4937 seeking the creation of the Abra River Basin Development Authority. While it had the same intent as this proposed measure, certain modifications had to be introduced to properly 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.


REP. JB BERNOS
Lone District, Abra

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

EIGHTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 2653

INTRODUCED BY **REP. JB BERNOS**

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:

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

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

8 Toward this end, the State shall pursue a policy of sustainable economic growth
9 in a manner consistent with protection, preservation and revival of our river systems
10 including the Abra River. It shall likewise ensure the implementation, management and
11 oversight of the adoption of necessary measures and programs on flood control and
12 drainage system in all the river systems connected to the Abra River Basin System to
13 eliminate the adverse effects of typhoons and floods during rainy season and protect its
14 ecology from pollution caused by mining and various industrial activities in the area.

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

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

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

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

15 d) *Hazardous waste* refers to solid waste or combination of solid waste
16 which, because of its quantity, concentration, or physical, chemical or infectious
17 characteristic, may cause or significantly contribute to an increase in mortality or an
18 increase in serious irreversible or incapacitating illness, or pose a substantial present or
19 potential hazard to human health or the environment when improperly treated, stored,
20 transported or disposed of or otherwise managed; and

21 e) *Land swapping* refers to the process of land acquisition by exchanging
22 land for another piece of land of equal value or for shares of stock in a government or
23 quasi-government corporation whose book value is of equal value to the land being
24 exchanged, for the purpose of planned and rational development such as provision for
25 wastewater treatment facilities and socialized housing where land values are determined

1 based on land classification, market value and assessed value taken from existing tax
2 declarations and wherein valuable lands owned by private persons may be exchanged
3 with less valuable lands.

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

12 The Abra River Basin System consists of all barangays located along the Abra
13 River, Tineg River and its tributaries and areas adjacent to them in the Provinces of
14 Abra, Benguet and Ilocos Sur that drain to or branch out from the Abra River and the
15 industrial, commercial, business, residential, recreational and other private and public
16 areas contiguous to the environmental preservation areas, as may be determined by the
17 Authority.

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

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

23 b) The preparation, development and implementation of a comprehensive
24 and detailed 25-year Abra River Rehabilitation Roadmap and Master Plan based on the
25 framework of sustainable water management shall be prioritized in consultation and

1 coordination with the local government units (LGUs), Department of Environment and
2 Natural Resources (DENR), Department of Interior and Local Government (DILG),
3 Department of Public Works and Highways (DPWH), National Economic Development
4 Authority (NEDA) and other appropriate government agencies and stakeholders;

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

10 d) Mining laws and regulations, including Republic Act No. 7492, otherwise
11 known as the "*Philippine Mining Act of 1995*" and Executive Order No. 79, Series of
12 2012, among others, shall be implemented to regulate commercial, industrial and
13 similar activities in areas along Abra River and its major tributaries;

14 e) Participation and role of the LGUs specifically the barangays in the
15 implementation and enforcement of existing environmental laws such as Republic Act
16 No. 9275, otherwise known as the "*Clean Water Act of 2004*" and Republic Act No.
17 9003, otherwise known as the "*Ecological Solid Waste Management Act of 2000*," shall
18 be strengthened to renew the ecology of the Abra River;

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

23 g) Planning, programming, social preparation and adjustment, relocation or
24 resettlement of the population from the declared environmental preservation areas
25 (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 environmental restoration, rehabilitation, protection and conservation of the Abra River Basin System in close coordination with LGUs and other government agencies.

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

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

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

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

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

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

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

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

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

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

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

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

21 l) Conduct, in close coordination with the DENR, DOST, the academe and
22 other private and public research institutions, continuing research and development
23 programs on water quality management technologies, integrated water resource
24 management models and techniques, and appropriate wastewater technologies, with the
25 end view of promoting sustainable development;

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

5 n) Adopt rules and regulations governing the approval of sewage works and
6 industrial waste treatment and disposal systems and the issuance of clearances or
7 permits in accordance with the provisions of this Act and inspect the construction and
8 maintenance of sewerage works and industrial waste treatment and disposal systems in
9 compliance with clearance or permit conditions;

10 o) Require all projects or activities affecting the Abra River Basin System to
11 secure environmental compliance certificates (ECCs) required under Presidential Decree
12 No. 1586 and grant clearances and permits for projects and activities within or affecting
13 the Abra River Basin System including industrial and commercial activities, recreation
14 and tourism, navigation, housing and other forms of land developments, construction
15 and operation and impose necessary safeguards, management and control of
16 wastewater and collect necessary fees for such activities and projects;

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

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

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

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

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

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

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

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

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

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

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

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

7 a) Succeed in its corporate name;

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

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

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

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

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

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

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

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

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

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

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

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

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

- 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.

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

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

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

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

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

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

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

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

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

1 to ensure the efficient, honest and economical administration of the provisions and
2 purposes of this Act: *Provided*, That all personnel of the Authority below the rank of the
3 general manager shall be appointed by the chairperson of the Board: *Provided, further*,
4 That the personnel appointed by the general manager, except those below the rank of
5 department heads, and others of comparable rank, shall be subject to the confirmation
6 of the 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 laws,
8 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 Authority;

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

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

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

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

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

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

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

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

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

13 d) Manage and supervise the operation and administration of the Authority;

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

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

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

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

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

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

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

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

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

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

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

3 a) *Enforcement and Legal Service Department* which shall provide legal
4 advice and support to all the corporate units on legal implications of the various
5 undertakings of the Authority. It shall also provide professional assistance in the
6 implementation of the quasi-judicial and regulatory functions of the Authority, which
7 include enforcement of environmental protection, proper procedures on investigation,
8 litigation, adjudication and voluntary arbitration. This department shall oversee and
9 manage the operations of barangay waterways water quality surveillance, monitoring
10 and enforcement units.

11 b) *Administrative and Finance Department* which shall be responsible for
12 providing services related to administrative support services such as consolidation of
13 major final output, preparation of personnel evaluation system, human resource
14 management, revenue planning, generation and enhancement, budget and financial
15 matters, records management, safekeeping of financial assets, and general services.

16 c) *Technical and Environmental Management Services Department* which
17 shall serve as the main regulatory and technical arm of the authority and shall oversee
18 the integration of the functions on river basin management and development, including
19 the management and operations of the GIS-Mapping unit and laboratories. This
20 department shall also be responsible for providing scientific studies, technical policy
21 planning, research and development, and technology management services.

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

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

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

10 a) Mayors of the cities and municipalities comprising the Abra River Basin
11 System;

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

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

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

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

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

4 SEC. 20. ***Enforcement Powers.*** – The Authority shall have enforcement
5 powers within the Abra River Basin System to carry out the functions and attain the
6 purposes and objectives declared under this Act. The grant of such powers shall be in
7 conformity with the functions exclusively provided by law to be exercised by the PNP
8 and other government agencies. The Authority may request the assistance of other law
9 enforcement agencies, including request for deputation as may be required. Such
10 enforcement power shall be exercised in connection with the operations of barangay
11 waterways water quality surveillance, monitoring and enforcement units, and
12 implementation of rules and regulations promulgated by the Board pursuant to the
13 authority granted under this Act.

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

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

22 SEC. 23. ***Abra River Adjudication Panel.*** – To carry out effectively the
23 quasi-judicial powers of the Authority, there shall be created an Abra River Basin
24 Adjudication Panel, hereinafter referred to as the “Adjudication Panel.” The
25 Adjudication Panel shall be composed of the general manager as the head, one (1) ex-

1 *officio* board member and one (1) board member from the private sector, to be elected
2 by the board members from among themselves.

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

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

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

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

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

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

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

24 SEC. 24. **Clean-Up Operations.** – In addition to the provisions of Section
25 26 hereof, any person who causes pollution in or pollutes the Abra River or any of its
26 tributaries in excess of the applicable and prevailing standards shall be responsible to

1 contain, remove and clean-up any pollution incident at the polluter's own expense:
2 *Provided*, That in the event emergency clean-up operations are necessary and the
3 polluter fails to immediately undertake the same, the Authority, in coordination with
4 other government agencies concerned, shall conduct containment, removal and clean-
5 up operations. Expenses incurred in said operations shall be reimbursed by the persons
6 found to have caused such pollution upon proper administrative determination in
7 accordance with this Act. Reimbursements of the cost incurred shall be made to the
8 Authority's fund for 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 kind
11 directly or indirectly along the margins or the water of the Abra River, where the same
12 shall be liable to be washed into surface water either by the tide, storm, floods or other
13 occurrences which cause water pollution or impede the natural flow of the Abra River;

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

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

23 d) Disposal of potentially infectious medical waste into the Abra River and its
24 tributaries;

1 e) Unauthorized transport or dumping of sewage sludge, solid waste, or
2 commercial, industrial and institutional waste into the Abra River and its tributaries and
3 waterways;

4 f) Transporting, dumping or discharging of prohibited chemicals, toxic
5 substances, hazardous and nuclear waste into the Abra River;

6 g) Operating facilities that discharge or allow to seep, willfully or through
7 gross negligence, prohibited chemicals, toxic, hazardous and nuclear waste, or
8 pollutants into the waterways wherein the same shall be washed into the surface and
9 ground water of the Abra River;

10 h) Undertaking activities, development and expansion projects or operating
11 wastewater and sewerage facilities in violation of Environmental Impact Statement
12 System established under Presidential Decree No. 1586 and its implementing rules and
13 regulations;

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

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

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

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

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

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

24 SEC. 26. **Penal Clause.** – Any person who commits any of the prohibited
25 acts mentioned in Section 25 hereof or any rule and regulation promulgated pursuant
26 thereto shall be punished by imprisonment of not less than two (2) years but not more

1 than four (4) years or a fine of not less than Fifty thousand pesos (P50,000.00) but not
2 more than One hundred thousand pesos (P100,000.00), or both. In case of failure or
3 refusal to undertake clean-up operations mentioned in Section 24 hereof, any person
4 who, willfully or through gross negligence causes serious injury, loss of life, or
5 irreversible water contamination of surface or ground water, shall be punished with
6 imprisonment of not less than six (6) years and one day to not more than twelve (12)
7 years or a fine of Five hundred thousand pesos (P500,000.00) per day for each day
8 during which the omission or contamination continues.

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

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

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

23 SEC. 28. ***Annual Fees.*** – The Authority shall be authorized to collect
24 annual fees from private business establishments, individual or corporation, including
25 residential establishments such as townhouses, apartments, hotels, condominiums,
26 condotels, medical hospitals and wet markets, both private and public, whose

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

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

9 SEC. 30. ***Capitalizations and Financing.*** – The Authority shall have an
10 authorized capital of Four hundred million pesos (P400,000,000.00). The authorized
11 capital shall be divided into two million (2,000,000) shares of stock with a par value of
12 Two hundred pesos (P200.00) per share. The National Government shall fully
13 subscribe to ninety percent (90%) of the authorized capital, of which at least fifty
14 percent (50%) shall have been fully paid; while ten percent (10%) of the shares shall be
15 subscribed and paid by the Provincial Government of 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 shall
18 be included in the annual General Appropriations Act. For the Provincial Government
19 of Abra, the funds for subscription shall be taken from their internal revenue allotment
20 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
23 including supplies and services which are used solely and exclusively for the operations
24 of the Authority and are not available locally shall be exempt from all direct and
25 indirect taxes, wharfage fees and other charges. All obligations entered into by the
26 Authority and any income derived therefrom, including those contracted with private

1 international banking and financial institutions shall be exempt from all taxes including
2 the principal and the interest. The Authority is also exempt from the payment of capital
3 gains tax, documentary stamp tax, real property estate tax and all other local
4 government taxes and fees.

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

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

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

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

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

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

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

6 Approved,