

EIGHTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)

SENATE
S.B. No. 387

19 JUL 11 P3:53

RECEIVED IN

INTRODUCED BY: SENATOR EMMANUEL D. PACQUIAO

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

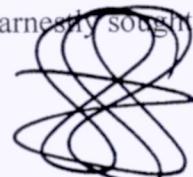
EXPLANATORY NOTE

The Pasig River has been used as a major source of transportation, water, food, and livelihood since time immemorial. However, it was declared biologically dead in the 1990s due to persistent pollution. The DENR reported that 85 percent of the household, industrial and commercial establishments in the National Capital Region (NCR) contributes to the pollution of water bodies in Metro Manila, including the Pasig River.

Efforts were made to restore the pristine condition of the Pasig River such as the creation of the Pasig River Rehabilitation Commission (PRRC). PRRC aims to transform the Pasig River and its environs into a showcase of a new quality of urban life and restore the river water quality to Class "C" level. However, PRRC has no strong mandate with only a limited budget because it was created as a mere coordinating body. The task of clearing waterways, a flood-prevention action, is the job of the Metropolitan Manila Development Authority (MMDA). The removal of illegal structures along waterways and the clearing of easement of rivers and creeks fall within the mandate and jurisdiction of the Department of Public Works and Highways (DPWH).

The purpose of this bill is to create the Pasig River Rehabilitation and Development Authority to have a single lead government agency vested with adequate authority and powers to implement and enforce the pertinent provisions of all existing environmental laws, and coordinate the plans, programs and activities of various agencies and LGUs to ensure the sustainable development of the Pasig River System.

In view of the foregoing, immediate approval of this bill is earnestly sought.



EMMANUEL D. PACQUIAO

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Office of the Secretary
Senate of the Philippines

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AN ACT
CREATING THE PASIG RIVER REHABILITATION AND DEVELOPMENT
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1 *Be it enacted by the Senate and House of Representatives of the Philippines in*
2 *Congress assembled:*

3

4

5

6 **SECTION. 1.** Short Title - This Act shall be known as the "Pasig River Development Act."

7

8 **SEC. 2.** Declaration of Principles and Policies- It is the policy of the State to protect and
9 advance the right of the people to a balanced and healthful ecology in accord with the rhythm
10 and harmony of nations. Towards this end, the State shall pursue a policy of sustainable
11 economic growth in a manner consistent with the protection, preservation and revival of the
12 quality of our river system.

13

14 Recognizing the importance and the strong influence of the Pasig River in the socio-
15 economic growth of the areas around I, the State shall pursue a sound, sustainable and
16 balanced development and utilization of the Pasig River with due regard for environmental
17 management and control to preserve its ecological system and implement an integrated and
18 coordinated approach for its sustainable utilization and rehabilitation.

19

20

21 **SEC. 3.** Definition of Terms - As used in this Act:

22

23 a.) Discharge includes the act of spilling, leaking, pumping, pouring, emitting, emptying,
24 releasing, or dumping of any material into a water body onto land from which it might
25 flow or drain into the water;

- 1
- 2 b.) Effluent refers to discharge from known sources, which is passed into a body of water
3 or land or wastewater flowing out of a manufacturing plant, industrial plant and
4 domestic household including commercial and recreational facilities;
- 5
- 6 c.) Effluent standard refers to any legal restriction or limitation on quantities, rates or
7 concentrations or any combination thereof, of physical, chemical or biological
8 parameters of effluent which a person or point source is allowed to discharge into a
9 body of water or land;
- 10
- 11 d.) Geographic Information System (GIS) Mapping refers to computerized data
12 management system to capture, store, manage, retrieve, analyze, and display spatial
13 information in which data are geo-referenced to the coordinates of a particular
14 projection system which allows precise placement of features on the earth's surface
15 and maintains the spatial relationships between mapped features such as slope, soils,
16 hydrography, bathymetry, demography, wetlands and land use which can be
17 combined to develop maps suitable for regulatory and planning decisions;
- 18
- 19 e.) Hazardous waste refers to solid or combination of solid waste which because of its
20 quantity, concentration, or physical, chemical or infectious characteristic may cause
21 or significantly contribute to an increased in mortality or an increase in serious
22 irreversible, or incapacitating reversible illness, or pose a substantial present or
23 potential hazard to human health or the environment when improperly treated, stored,
24 transported or disposed of or otherwise managed;
- 25
- 26 f.) Integrated Water Quantity Management Framework refers to the policy guideline
27 integrating all existing frameworks prepared by government agencies which contain
28 the water quality goals and targets, period of compliance, water pollution control
29 strategies and techniques, water quality information and education program and
30 human resources development program including the training of local government
31 personnel at the barangay level;
- 32
- 33 g.) Land swapping refers to the process of land acquisition by exchanging land for
34 another piece of land equal value or for shares of stock in a government or quasi-
35 government corporation whose book value is of equal value to the land being
36 exchanged, for the purpose of planned and rational development such as provision for
37 waste water treatment facilities and socialized housing where land values are
38 determined based on land classification, market value and assessed value taken from
39 existing tax declarations and wherein valuable lands owned by private persons may be
40 exchanged, for the purpose of planned and rational development such as provisions
41 for waste water treatment facilities and socialized housing where land values are
42 determined based on land classification, market value and assessed value taken from
43 existing tax declarations and wherein valuable lands owned by private persons may be
44 exchanged with less valuable lands;
- 45

- 1 h.) On site or near-site development refers to the process of upgrading and rehabilitation
2 of blighted and slum urban areas with a view of minimizing displacement of dwellers
3 in the areas and providing resettlement areas with provisions for basic services;
4
- 5 i.) Urban renewal areas (URAs) refers to the lands or communities beyond the three (3)
6 to ten (10) meter environmental preservation areas which shall be prioritized for the
7 provision of basic social and health services such as improved water supply,
8 sanitation, centralized and decentralized sewerage and sewage catchment structures
9 and other essential infrastructure; and
10
- 11 j.) Water quality guidelines refers to the level for a water constituent or numerical values
12 of Physical, chemical, biological and bacteriological or radiological parameters which
13 are used to classify water resources and their use, which does not result in significant
14 health risk and which are not intended for direct enforcement but only for water
15 quality and as basis for taking positive action in preventing, controlling or abating
16 water pollution as determined by the Department of Environment Resources (DENR).
17

18 **SEC. 4. Pasig River Rehabilitation and Development Authority** - There shall be created under
19 the Office of the President, an independent regulatory body possessing corporate attributes
20 with quasi-judicial and quasi-legislative powers to be known as the Pasig River
21 Rehabilitation and Development Authority, hereinafter referred to as the Authority. The
22 Authority shall be the primary government agency that shall coordinate, plan, manage and
23 implement the development programs and resource utilization in the Pasig River Basin
24 System. The Authority shall execute the powers and function vested and conferred by this
25 Act.

26 The Pasig River Basin System consists of all barangays located along the 27- kilometer river
27 which transverses the cities of Manila, Makati, Mandaluyong, Pasig, Taguig and the
28 municipality of Taytay in the Province of Rizal and all barangays located in its 47 tributaries
29 including esteros and waterways located in the local government units of Manila, Makati,
30 Pasay, Taytay and Pateros that drains to branches out from the Pasig River and the industrial,
31 commercial, business, residential, recreational and other private and public areas contiguous
32 to the environmental preservation areas.
33

34 For purposes of this Act, environmental preservation areas refer to areas consisting of the ten
35 (10) meters wide land along approximately twenty-seven (27) kilometers of both banks of the
36 Pasig River and the three (3) meters wide strip of land along all its 47 tributaries which are
37 essential for the ecological preservation of the Pasig River, to provide a buffer zone between
38 the river and resident population to ensure public safety and provide access for environmental
39 management.
40

41 **SEC.5. General Policies** - In the exercise of its powers and duties, the Authority shall be
42 guided by the following policies:
43

- 44 a.) The rehabilitation and sustainable development of the Pasig River Basin
45 System in order to transform its environs into a showcase of a new quality of urban life;

1
2 b.) The preparation, development and implementation of a comprehensive and
3 detailed twenty-five (25) year Pasig River Rehabilitation Roadmap and Master Plan
4 based on the framework of sustainable water management in consultation and
5 coordination with the Local Government Units (LGUs), DENR, Department of Interior
6 and Local Government (DILG), Department of Transportation and Communication
7 (DOTC), Metro Manila Development Authority (MMDA), Metropolitan Waterworks
8 and Sewerage System (MWSS) and other appropriate government agendas and
9 stakeholders;

10
11 c) Consistent with the 25-year Pasig River Rehabilitation Roadmap and Master Plan,
12 the implementation of short and medium-term program, activities and projects to attain
13 the objectives of this Act shall be prioritized, "high is, among others, to transform and
14 upgrade the water quality of the Pasig River Basin System into Class preferably before
15 the end of the 25-year duration of this Act;

16
17 d) The strengthened participation and role of the LGUs specifically the
18 barangays in the implementation and enforcement of existing environmental
19 laws such as Republic Act No. 9275, otherwise known as the "Clean Water Act
20 of 2004," and Republic Act No. 9003, otherwise known as the "Ecological Solid
21 Waste Management Act of 2000," to revive the Pasig River from being
22 considered biologically-dead;

23
24 e) The encouraged participation of the private sector and civil society
25 organizations in transforming the Pasig River Basin System into a conducive
26 environment for recreation, business and other productive uses, and attract private
27 sector-driven and cleaner technology-based investments in ecosystem development;

28
29 f) The planning, programming, social preparation and adjustment, relocation or
30 resettlement of the population from the declared environmental preservation areas
31 (EPAs) of the Pasig River Basin System, in coordination with appropriate government
32 agencies and LGUs, and to ensure that relocation and resettlement areas have
33 permanent access to adequate basic social
34 services and livelihood opportunities;

35
36 g) Clearing and dismantling illegal structures and obstructions in order to recover
37 government easement or right-of-way for the EPAs located along the banks of the Pasig
38 River and its 47 tributaries, and the titling of the same in the name of the Republic of
39 the Philippine; and,

40
41 h) Massive information and education campaign to amplify stakeholder awareness and
42 voluntary participation on the importance of environmental restoration, rehabilitation,
43 protection and conservation of the basic River Basin System in close coordination with
44 LGUs and other government agencies.

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

- 3
- 4 a) Work closely with the MMDA and MIVSS and its concessionaries to ensure
5 for adequate, dependable and reliable wastewater treatment facilities and sewerage
6 systems in all their authorized service areas, particularly, in the unnerfed and under-
7 served communities, barangays or urban renewal areas (URAL) 'within the Pasig River
8 Basin System;
- 9
- 10 b) Periodically conduct comprehensive scientific surveys, studies, field sampling and
11 laboratory testing, and GIS-mapping of the Pasig River Basin System in coordination
12 with the Department of Science and Technology(DOST), DENR-Environmental
13 Management Bureau (EMB), National Mapping and Resource Information Authority
14 (NAMRIA) and MMDA to monitor evaluate, update and analyze among others, the
15 physical, biological, chemical, hydrologic, bathymetric and hydrographic characteristics
16 including socio-economic profile of the stakeholders, trade and industrial and
17 commercial profile, status of the national government agency and LGU programs and
18 projects, biometric tagging and identification of informal settle, parcellary land use and
19 zoning aspects mapping of critical effluent discharge areas, transportation and
20 'navigation attributes, historical and tourism elements, and its interphase and
21 relationships on Integrated Water Quality Management Framework with the Tullahan
22 River, Laguna Lake, Manila Bay and other nearby bodies of water;
- 23
- 24 c) Engage the services of the private sector through the Public-Private Partnership (PPP)
25 process or through the Built Operate and Transfer (BOT) Scheme under Republic Act
26 No. 6957, entitled "An Act Authorizing the Financing Construction, Operation and
27 Maintenance of Infrastructure Project by the Private Sector, and For Other Purposes," or
28 other acceptable forms of partnership agreements in establishing its own water quality
29 laboratory, GIS-mapping system, surveillance and monitoring anti enforcement system
30 through high- definition closed circuit televisions or other surveillance and monitoring
31 technologies and new technologies on highly-specialized fields including sewerage anti
32 sewage treatment system which require the expertise and investment of the private
33 sector;
- 34
- 35 d) Engage in land swapping in securing relocation and resettlement areas, and in sludge
36 or contaminated sediment disposal and treatment sites whenever necessary, whether by
37 itself or in cooperation with private pecans or entities and enter into other acceptable
38 exchange agreements related to social and ecological development projects;
- 39
- 40 e) Engage in experimental community-based integrated wastewater and management
41 basement technologies and strategies including the collection and disposal system,
42 sewage and septage treatment, collection and disposal of floating garbage, solid waste
43 by-products, sludge or contaminated sediments;
- 44
- 45 f) Conduct, in coordination with the LGUs, the Presidential Commission for the

1 Urban Poor, National Housing Authority (NHA), MMDA and DILG, consultation and
2 social preparation and arrange provision for low cost housing to qualified informal settler
3 families located along the Pasig River Basin System prior to relocation and settlement
4 with the exception of known professional squatters;

5
6 g.) Identify, secure and possess near-site or on-site development areas for low-cost and
7 socialized mass housing of qualified informal settler families;

8
9 h) Clear and dismantle all illegal structures, in coordination with the local
10 government units, MMDA, DILG; and Philippine National Police (PNP), and ensure that
11 the easements provided for in this Act, and other related laws are enforced, especially in
12 all the esteros and waterways that drain into and branch-out of the Pasig River;

13
14 i) Formulate and implement the comprehensive Pasig River Rehabilitation Roadmap and
15 Master Plan;

16
17 J.) Review all plans, projects and programs on the Pasig River Basin System and the
18 expansions thereto including those submitted by LGUs, public corporations, public
19 utility franchisees, concessionaires, private persons or corporations that relate to the
20 development of the Pasig River Basin System to ensure that they conform to the
21 environmental standards prescribed by the Authority and other environmental laws;

22
23 k) Implement infrastructure projects such as flood control, solid waste management,
24 wastewater and sewerage, water supply, access roads, access ports, housing, leisure
25 parks and related works within the context of its development master plan including the
26 readjustment, relocation or resettlement of population within the Pasig River Basin
27 System that may be deemed necessary and beneficial in pursuit of its mandate. In case
28 any of these projects is financed wholly or in part by the Authority, it shall have
29 authority to collect fees and tolls from users or beneficiaries to recover costs of
30 construction and maintenance of the projects. Infrastructure projects which are in the
31 nature of social overhead capital projects shall be entitled to receive the corresponding
32 financial assistance from the government;

33
34 l) Implement, in coordination with the Philippine Reclamation Authority and
35 the LGUs, dredging or reclamation projects;

36
37 m) Conduct, in close coordination with the DENR, DOST, the academe and other
38 private and public research institutions, continuing research and development programs
39 on water quality management technologies integrated water resource management
40 models and techniques, and appropriate wastewater technologies, with the end view of
41 promoting
42 sustainable development;

43
44 n) Without prejudice to existing environmental laws, establish and enforce anti-
45 pollution standards and water quality guideline's on domestic, municipal,

- 1 commercial and industrial waste water and effluents being discharged into the
2 river system;
- 3
- 4 o) Adopt rules and regulations governing the approval of sewage works and
5 industrial waste treatment and disposal systems and the issuance of clearances or permits
6 in accordance with the provisions of this Act and inspect the construction and
7 maintenance of sewerage works and industrial waste treatment and disposal systems in
8 compliance with clearance or permit conditions;
- 9
- 10 p) Require all projects or activities affecting the Pasig River Basin System to secure
11 Environmental Compliance Certificates (ECCs) required under Presidential Decree No.
12 1586 and grant clearances and permits for projects and activities within or affecting the
13 Paste River Basin System including industrial and commercial activities, recreation and
14 tourism, navigation, housing and other forms of land developments, construction and
15 operation
16 and impose necessary safeguards, management and control of wastewater
17 and collect necessary fees for such activities and projects;
- 18
- 19 q) Issue, renew or cancel permits subject to reasonable guidelines for the discharge of
20 sewage, septage, industrial waste and installation or operation sewerage works and
21 industrial disposal systems or park thereof, for the prevention and abatement of
22 pollution;
- 23
- 24 r) Require subdivisions, condominiums, clinical and medical establishments, mortuaries,
25 car and motor repair shops, private and public, markets, abattoirs, private and public
26 buildings and other similar human settlements within the private and public buildings
27 and other similar human settlements within the Pasig River Basin System to construct
28 and appropriate individual and decentralized wastewater and sanitary treatment plants, or
29 centralized sewerage systems and sewage treatment facilities. The Authority shall
30 impose reasonable fees and other similar charges for issuance or renewal of all the
31 required permits;
- 32
- 33 s) Impose annual fees or levies in the form of local tax on all industrial and commercial
34 users of the Pasig River and its tributaries as well as the esteros branching from and
35 draining into the Pasig River;
- 36
- 37 t) Issue, after due notice and hearing, orders or decisions to compel compliance with the
38 provisions of this Act and its implementing rules and regulations;
- 39
- 40 u) Issue, alter or modify, after due notice and hearing, orders decisions requiring the
41 discontinuance of pollution specifying the conditions and the
42 time within which such discontinuance must be accomplished;
- 43
- 44 v) Revoke, suspend or modify, after due notice and hearing, any clearance or
45 instrumentalities for the purpose of enforcing the provisions of this Act and

1 its implementing rules and regulations;

2
3 w) Deputize or request the assistance of appropriate government agencies or
4 instrumentalities for the purpose of enforcing the provisions of this Act and its
5 implementing rules and regulations and the orders and the decisions of the Authority;

6
7 x) Enter, inspect or investigate at all reasonable times any public and private property
8 devoted to commercial and industrial use within the Pasig River Basin System, on any
9 matter relating to pollution and existing or imminent environmental hazard and danger;

10
11 y) Fix, impose, collect, periodically review and adjust reasonable fees and other
12 related charges for services rendered in the performance of its mandate; and

13
14 z) Exercise powers and perform other functions as may be necessary to carry
15 out its duties and responsibilities under this Act.

16
17 **SEC. 7. Corporate Powers.** - The Authority shall exercise the following corporate powers:

18 a) Succeed on its corporate name;

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

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

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

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

25 f) Acquire, buy, purchase, hold or lease, such personal and real property as it deems
26 necessary or convenient in the transaction of its business or to lease, mortgage, sell,
27 alienate or otherwise encumber, utilize, exploit or dispose of any such personal and real
28 property held by it, subject to prior or existing individual or communal right of private
29 parties or of the government or any agency or enterprise thereof. No real property shall
30 be sold without the approval of the President of the Philippines;

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

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

35 i) Borrow funds from any local or foreign sources independent of the bonds it

1 may issue to carry out the purpose of this Act;

2

3 j) Purchase, hold, alienate, mortgage, pledge or otherwise dispose of shares of the

4 capital stock of or any bond, securities or other evidence of indebtedness created by

5 any other corporation, co-partnership of government agencies or instrumentalities. The

6 authority shall not invest its funds in any high risk instruments or any highly speculative

7 stock issued without recourse to commercial banks or investment houses;

8 k) Perform of any acts which a corporation or a juridical person is authorized to perform

9 under of existing laws;

10 l) Provide of incentives to encourage the private sector to fully subscribes to its share of

11 stocks; and

12 m) Issues such other rules and regulations as may be deemed necessary to carry out the

13 purposes of this Act.

14

15 **SEC. 8. *Board of Directors.*** – The corporate powers of the authority shall be vested in

16 exercised by Board of directors, hereinafter referred to as the Board.

- 17
- 18 a) General manager of the authority, as Chairperson;
- 19
- 20 b) Chairperson of the MMDA, as ex-officio Vice-Chairperson;
- 21
- 22 c) Secretary of DENR, as ex-officio member;
- 23
- 24 d) Secretary of the DILG, as ex-officio member;
- 25
- 26 e) A representative of LGUs located along the Pasig river basin; and
- 27
- 28 f) Two (2) representatives from the private sector who are shareholders or stakeholders in
- 29 the Pasig river, as members.

30

31 The ex officio members of the board may designate of the officer next in rank as a permanent

32 alternate representative to the board. The appointment and qualification of the members of

33 the Board shall be in accordance with the provisions of Republic Act No. 11049, otherwise

34 known as the “GOCC Governance Act of 2011.” The Governance Commission for

35 Government Owned or Controlled Corporations shall give utmost consideration to the

36 nominees recommended by the General Manager. The General Manager shall recommend at

37 least three (3) names for every vacant position.

38

39 **SEC. 9. *Powers and functions.*** – The Board shall exercise the following powers and

40 functions:

- 41
- 42 a) Provide a comprehensive policy guidance for the rehabilitation and development and
- 43 the Pasig river basin system;

- 1 b) Prescribe and promulgate policies, rules and regulations to govern the conduct of the
2 business of the Authority and ensure that the Authority performs its functions in proper,
3 efficient and effective manner;
- 4
- 5 c) Decide the objectives, strategies and policies of the authority in accordance with the
6 provisions of this Act;
- 7
- 8 d) Exercise appellate powers on the decisions of the General Manager;
- 9
- 10 e) Issue *subpoena ad testificandum* or *subpoena dues tecum* requiring the attendance and
11 testimony of a witness in any matter or inquiry pending before the Board and require the
12 production of books, paper, and contracts, agreements and all other documents;
- 13
- 14 f) Exercise appellate powers to order the taking of deposition at any stage of any
15 proceeding investigation pending before the Board;
- 16
- 17 g) Approve the organizational and administrative structures and the corresponding
18 staffing pattern of the authority; fix their reasonable compensation allowance and other
19 benefits in accordance with the Salary Standardization Law; prescribe their duties and
20 establish such methods and procedures as may be necessary to ensure the efficient,
21 honest and economical administration of the provisions and purposes of this Act;
22 Provided, that all personnel of the authority below the rank of the General Manager shall
23 be appointed by the Chairperson of the Board: Provided further personnel appointed by
24 the General Manager, except those below the rank of Department Heads and others of
25 comparable rank shall be subject to confirmation by the Board; Provided, finally, that the
26 personnel of the authority shall be selected only from those with civil service eligibility
27 and shall be subject to civil service laws, rules and regulations;
- 28
- 29 h) Approve the annual and supplemental budgets of the authority and authorize each
30 operating and capital expenditures and disbursements as may be necessary for the
31 effective management operation and administration of the authority;
- 32
- 33 i) Create and organized ad-hoc technical working groups composed of representatives
34 from the government and other stakeholders to assist the Board; and
- 35
- 36 j) Perform such other functions as may be necessary to carry out the provisions of this
37 Act.

38

39 **SEC.10. *Quorum.*** – The presence of at least four (4) members of the Board shall constitute a
40 quorum. The majority vote of three (3) members where a quorum is present shall be
41 necessary for the adoption of any rule, resolution, decision or other acts of the Board.

42

43 **SEC.11. *Board meetings.*** – The Board shall meet regularly once a month and may hold
44 special meetings to consider urgent matters upon the call of the Chairperson or upon the

1 initiative of four (4) members. The rules and procedures in the conduct of board meetings
2 shall be prescribed by the Board.

3

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

7

8 **SEC. 13. *General Manager.*** – The Authority shall be headed by a General Manager who
9 shall be the Chief Executive officer and shall be exercise the following Powers and
10 Functions;

- 11
- 12 a) Submit for consideration of the board, the policies and measures that are necessary to
13 carry out of the purposes and objectives of this Act;
- 14 b) Head and administer the Pasig river basin Ajudication panel as the implementing arm of
15 the quasi-judicial powers of the authority;
- 16 c) Execute administer and implement the policies, plans program and programs, and
17 projects approved by the Board
- 18 d) Manageand supervise the operation and administration of the authority;
- 19
- 20 e) Appoint all officials and employees of the authority below the rank of the Executive
21 Director remove, suspend or otherwise discipline the same for cause, in accordindance
22 with existing civil services laws, rules and regulations;
- 23
- 24 f) Submit quarterky reports to the board on personnel selection, placement and training;
- 25
- 26 g) Render annual report to the Board and various stakeholders regarding the operation of
27 the Authority including its latest financial statements;
- 28
- 29 h) Represents The Authority in all its dealings with offices agencies , and intrumentalities
30 of the Government and with all persons and other entities, public or private, Domestic
31 and foreign; and
- 32
- 33 i) Perform such other functions as may be provided in the by- laws and as may be vested
34 by The Board

35

36 SEC. 14. Qualifications. – The general manager must be;

- 37
- 38 a) A Filipino citizen
- 39
- 40 b) At least thirty-five (35) years of age \
- 41
- 42 c) With good Moral character, unquestionable integrity, recognized competence and,
- 43
- 44 d) A Degree holder with at least five (5) years supervisory or management experience in
45 the field of public administration. Economic planning Environmental planning and

1 natural resource management, or in the Establishment and management or large
2 agricultural, commercial or industrial Enterprises of other related fields.

3
4 SEC.15. Term of office. – The general Manager Shall be appointed by the President of
5 the phillippines and shall have a term of six (6) years which may be Extended for
6 another non-Extendible term of two (2) years. The general manager shall only be
7 removed for cause and accordindance with the rules and regulations Prescribed by the
8 civil services Commission.

9
10 SEC.16. Compensation. – The general manager shall be vested with the rights;
11 privileges, disqualification and prohibitions of a cabinet member and shall have a rank
12 of Cabinet Secretary

13
14 SEC. 17. Management structure. – in the carrying out of the activities of the Authority,
15 the general Manager shall be assisted by an assistant General Manager and four (4)
16 Directors, one (1) for legal services, one (1) for technical services, and one (1) for
17 administration and finance Services and one (1) for Social Development and Advocacy,
18 who shall have a such powers, duties and Functions as the general manager may
19 prescribe or delegate. The deputy General Manager shall act as the General Manager in
20 the absence or during the temporary incapacity of the General Manager or until such
21 time as new General Manager is duly Appointed

22
23 The Authority shall have the following departments under the direct supervision and
24 control of the general managaer:

- 25
26 a) Enforcement and legal service Department which shall provide legal advice and
27 support to all the corporate units on legal implications of the various Undertakings of
28 the Authority. It shall also provide professional assistance in the implemation of the
29 quasi-judicial and regulatory functions of the authority, which includes enforcement
30 of Environmental protection proper procedures on investigation litigation,
31 adjudication and voluntary arbitration. This department shall oversee and manage
32 the operations of barangay waterways water quality surveillance monitoring and
33 enforcement units.
- 34
35 b) Administrative and finance Department which shall be responsible for providing
36 services related to administrative support services such as consolidation or major
37 final output preparation of personnel evaluation system human resource
38 management, revenue planning generation and enhacement budget and financial
39 matters records management, safekeeping of financial assets, and general services.
- 40
41 c) Technical and Environmental Management Services Department which shall serves
42 as main regulatory and technical arm of the authority and shall oversee the
43 integretion of the Functions on river basin management and development, including
44 the management and operations of the GIS-Mapping unit and laboratories . this

1 department shall also be responsible for providing scientific studies, technical policy
2 planning research and development ,and technology management services;

- 3
- 4 d) Social Development and advocacy department which shall be responsible for
5 resettlement and relocation of informal settlers including their social preparation. It
6 shall also be responsible for dissemination of information and educational campaign.

7

8 SEC. 18 . Power of administer Oaths.- The members of the Board the General
9 Manager and other duly Deseignated officers of the Authority,shall have the
10 authority to administer oaths in the transaction and performance and their official
11 duties

12

13 SEC. 19. Advisory council. – there shall be Constituted an advisory Council for the
14 Rehabilitation and development of the pasig river which shall serve as the main
15 institutional linkage with the national government to provide blinding and informed
16 guidance on the strategic policies and direction of the authority. The advisory
17 council shall be headed by the Executive Secretary and shall have the following
18 members;

- 19 a) Secretary on Environment and natural resources:

- 20 b) Secretary of Budget and Management:

- 21 c) Chairperson of the Housing and Urban development Coordinating Council
22 (HUDCC);

- 23 d) Secretary of the public works Highways;

- 24 e) Secretary of finance

- 25 f) Secretary of justice;

- 26 g) Secretary of tourism; and

- 27 h) Secretary of transportation and Communications

28

29

30 The Advisory Council shall advise and General manager in the exercise and
31 functions of the authority and in the formulation of the policies for the effective
32 implementation of this act.it shall convene atleast twice a year to ensure that the

1 plans and programs of the Authority are aligned with the priorities of the president
2 and objectives of this act

3
4 The board shall present in all of the meetings of the Advisory Council,

5
6 The Members of the Advisory Council shall receive a per diem for each meeting
7 actually attended the per diems of the members of the Advisory Council shall be
8 Determined by the Board in Accordance with the existing Guidelines of the
9 Commission on audit.

10
11 SEC. 20. Consultative Assembly. – There shall be Established a consultative
12 assembly which shall serve as venue for public consultation and participation by
13 stakeholders and presentation of Authority's plans and programs or modification,
14 amendment or revision of rules and regulations prior to its adoption or implementation
15 within its jurisdiction. The consultative assembly shall be composed of the
16 following:

- 17
18 a) Mayors of the cities and municipalities comprising the pasig river basin system
19 such as manila, Makati, Mandaluyong , Pasig, Taguig, Quezon City, san juan,
20 Marikina, tatay, Pasay, and Pateros;
21
22 b) The Chairpersons of all Barangays comprising the pasig River Basin System;
23
24 c) Owners, proprieters and authorized operators of all major private commercial or
25 industriial business establishment located in all barangay's comprising the pasig
26 river basin system and;
27
28 d) Representatives od the homeowners assiciations civil society organizations and
29 peoples organizations in the pasig River basin syetem.
30
31

32
33 The Authority shall convene an annual year-end general assembly to report and
34 present its finacial and fiscal status and updates on its plan programs and projects
35 to its stakeholders and the to public. The required logistical support such as food
36 and transportation allowances shall be provided to the members of the Advisory
37 Council, and The Board and consultative assembly during the meeting at the
38 expense of the Authority subject to Government accounting and auditing
39 procedures.
40

41
42 SEC. 21. Additional offices. – The board may create additional offices it may
43 deem necessary for the effective implementation of this act not later than six (6)
44 months from the date of the effectivity of this act.
45

1
2
3 SEC. 22. Enforcement Powers. – The authority shall have enforcement power
4 within the pasig river Basin System to carry out of the functions and attain the
5 purposes and objectives declared under this act. The grant of such powers shall
6 be in Conformity with the functions exclusively provided by the law to be
7 exercised by the Phillipine National Police and other Government agencies.
8 The Authority may request the assistance of other law enforcement agencies,
9 including request for deputation as may be required Such enforcement power
10 shall be exercised in connection with the operations with the operations of
11 barangay waterways, water quality surveillance monitoring and enforcement units
12 and implemtation of rules and regulations promulgated by the Board persuant to
13 the Authority granted under this act.

14
15
16 SEC. 23. Power to investigate violations.- The genaral manager willingly or at
17 the instance of a private person or the board may conduct investigations based on
18 the procedures that the Board may prescribe accordance with the provissons of
19 the rules of Court serving as supplemental guidelines.

20
21
22 SEC. 24. Cease and desist order. – The general Manager after due investigation
23 may issue a cease and desist order to immediately halt any practice found to be
24 violation of the provisions of this act. Such orde shall be without prejudice to the
25 civil or criminal prosecution of persons under the existing law

26
27
28 SEC. 25. Pasig River ajudication panel. – To carry out effectively the quasi-
29 judicial powers of the Authority shall be created a Pasig River basin Ajudication
30 panel shall composed of the general manager as the Head one (1) ex officio
31 Board member one (1) board member for the private sector.

32
33 The Adjudication panel shall have the following powers and Functions;

- 34
35 a) Issue preliminary or permanent injunctions wether prohibitory or mandatory in
36 all cases in which it has jurisdiction
37
38 b) Issuue subpoena and subpoena duces tecum and to the summon witnesses to
39 the appear in any proceedings of the adjudication panel and administer oaths
40 and affirmations;
41
42
43
44

- 1 c) Punish for contempt both direct and indirect in accordance with the pertinent
2 provisions of and the penalties prescribed by the Rules of the court;
- 3
- 4
- 5 d) Conduct investigations and hearings on the complaints for violation of the
6 environmental laws and of this act issue show cause order decessions or
7 rulling and impose fines and penalties for such violations
- 8
- 9 e) Issues notice of violations or non-compliance cease and desist orders and
10 other related orders necessary for the enforcement of existing environmental
11 laws and rules and Regulations of this act;

12

13

14

15 The adjudication panel is mandated to take cognizance and adjudicate violations
16 of this act. Any decision order or resolution shall be concurred in by the majority members of
17 the panel and duly signed by the General Manager, The decision or resolution of the
18 adjudication panel may be appealed to the board within fifteen (15) days from receipt of the
19 decession order or resolution the decession of the Board may be further appealed to any court
20 of competent jurisdiction in accordance with the provisions of the rules of court.

21

22

23 SEC. 26. Prohibited Acts. – the Following acts are prohibited;

24

- 25 a) Discharging depositing or causing to be deposited matter of any kind directly
26 or indirectly along the margins or the water of the pasig River where the same
27 shall be liable to be washed into surface water either by the tide storm floods
28 or other occurrences which cause water pollution or impede the natural flow of
29 the Pasig river;
- 30
- 31 b) Discharging injecting or allowing to seep into the soil or sub-soil any substance
32 in any form that would pollute the pasig river groundwater. In the case of
33 geothermal projects subjects to the approval of the Authority, the Regulated
34 discharge for short term activities such as well testing flushing commissioning,
35 venting and deep re-injection of geothermal liquids may be allowed; provided
36 that safety measures are adopted to prevent the contamination of the
37 grounwater.
- 38
- 39
- 40 c) Operating facilities and discharging regulated water pollutants without the
41 valid required permits or under revoked permit and violation of any condition
42 imposed by Authority;
- 43
- 44 d) Disposal and potencially infectious medical waste in to the pasig river and its
45 47 tributaries;

- 1
- 2 e) Unauthorized transport of dumping of segwey sludge solid waste or
- 3 commercial industrial and institutional waste in to the pasig river and its 47
- 4 tributaries and waterways;
- 5
- 6 f) Transporting dumping or discharging of prohibited chemicals, toxic subtances
- 7 hazardous and nuclear waste into the pasig river.
- 8
- 9 g) Operating facilities that discharge or allow to seep willfully or through gross
- 10 negligence prohibited chemicals toxic hazardous and nuclear waste or
- 11 pollutants in to the waterways wherein the same shall be washed in to the
- 12 surface and ground water of the pasig river;
- 13
- 14 h) Undertaking activities development and expansion projects or operating
- 15 wastewater and sewerage facilities in violation of environmental impact
- 16 statement System established under presidential decree No. 1586 and its
- 17 implementing rules and regulations.
- 18
- 19 i) Discharging regulated water pollutants without the valid required discharge
- 20 permit persuant to this act or after the permit was revoked for any violation of
- 21 the condition therein
- 22
- 23 j) Refusal to allow entry inspection and monitoring by the Authority.
- 24
- 25 k) Refusal to allow access by the Authority to relevant reports and records
- 26
- 27 l) Refusal or failure to submit reports whenever required by the Authority
- 28
- 29 m) Refusal or failture to designate pollution control officers whenever required by
- 30 the Authority in accordance with this Acr; and
- 31
- 32 n) Directly using booster pumps in the distribution system or tampering with the
- 33 water supply in such a way as to alter or impair the quality of the water
- 34
- 35

36 SEC. 27. Penal clause. – Any person who commits any of the prohibited acts

37 mentioned in Section 26 hereof or any rule and regulation promulgated

38 persuant thereto shall be punished by imprisonment of not less than (1) year but

39 not more than three (3) years or a fine of not less than ten thousand pesos

40 (P10,000,00) but not more than fifty thousand pesos (P50,000,00), or both. If

41 the offender is a corporation or a juridical person the officers there of who

42 have knowingly participated in the violation shall be held liable.

43

44 SEC. 28. Incentives.- the Authority may provide incentives to the industries

1 And commercial enterprises that undertake necessary measures to abate pollution within the
2 pasig river Basin system and to the government agencies involved in the construction of
3 parks river control structures revetments along the river banks anti-pollution devices
4 contraptions appurtenance bio-remediation and containment systems cleaner technology
5 systems for wastewater treatment and sewerage facilities and solid-waste and garbage
6 disposal system and other related equipment.

7

8

9

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

15

16 SEC. 29. Annual fees. – The Authority shall be authorized to collect annual fees from
17 private business establishments, individuals or corporation, including residential
18 establishments such as townhouses, apartments, hotels, condominiums, condotels, medical
19 hospitals and wet markets, both private and public, whose wastewater disposal facilities are
20 connected to the sewerage system located within the Pasig River Basin System or which
21 wastewater eventually drains or seeps to the Pasig River. The fees collected shall only be
22 used for rehabilitation and sustainable development of the Pasig River Basin System.

23

24 SEC. 30 . Fiscal Autonomy. - The Authority shall enjoy fiscal autonomy. All funds
25 earned by the Authority from the collection or levy or from all fees, charges, dues, assessments
26 and fines collected pursuant to this Act shall be used solely to fund its operations. The
27 utilization of funds shall be subject to the examination of the Congressional Oversight
28 Committee.

29

30 SEC. 31. Capitalizations and financing- The Authority shall have an authorized capital of
31 Eight Hundred million pesos (P800,000,000.00). The authorized capital shall be divided into
32 eight million (P8,000,000). Shares of stock with a par value of One hundred pesos (P100.00)
33 per share. The National Government shall subscribe to four million six hundred thousand
34 (P4,600,000) shares while the one million one hundred thousand (P1,100,000) shares shall be
35 subscribed by the local government units of manila, makati, mandaluyong,
36 pasig, taguig, quezon city, san juan, marikina, pasay, taytay and pateros at one hundred thousand
37 (100,000) shares each. The balanced of two million three hundred thousand (2,300,000)
38 shares shall be open for subscription to private individuals or corporations within Pasig River
39 Basin System. The shares of stock shall be divided into five million six hundred thousand
40 (5,600,000) ordinary voting shares and two million four hundred thousand (2,400,000) non-
41 voting preferred shares

42

43 SEC. 32. Funding- The amount necessary to subscribe and pay for the remaining shares
44 of the National Government to the capital stock of the Authority. Shall be included in the

1 annual General Appropriations Act. For LGUs, the funds for subscription shall be taken from
2 their Internal Revenue Allotment and other local funds.

3
4 SEC. 33. Exemption from Taxes, Customs and Tariff Duties- The Importation of
5 equipment, machinaries, spare parts, accessories and other materials including supplies and
6 services which are used solely and exclusively for the operations of the Authority and are not
7 available locally shall be exempt from all direct and indirect taxes, wharfage fees and other
8 charges. All obligations entered into by the Authority and any income derived therefrom,
9 including those contracted with the private interanational banking and financial institutions
10 shall be exempt from all taxes including the principal and the interest. The Authority is also
11 exempt from the payment of capital gains tax, documentary stamp tax, real property estate
12 tax and all other local govornment taxes and fees.

13
14 SEC. 34. Auditor- The Chairperson of the Commission on Audit (COA) shall be the ex-
15 officio Auditor of the Authority. For this purpose, the Chairperson may appoint a
16 representative and the necessary personnel who stall audit the Authority.

17
18 All accounts and expenses of the Authority shall be audited by the commission on Audit or
19 its duly authorized representative.

20
21 SEC. 35. Transitory Provision- The Pasig River Rehabilitation Commission (PRRC) is
22 hereby dissolved upon the effectively of this Act. All assets, liabilities, and projects of the
23 PRRC shall automatically be transferred to the Pasig River Rehabilitation and Development
24 Authority.

25
26 The officers and employees of the PRRC shall continue in a holdover capacity until
27 such time as the new officers and employees of the Authority shall have been duly appointed
28 pursuant to the provisions of this Act. All qualified regular or permanent employee who may
29 be transferred to the Authority shall not suffer any loss in seniority or rank or decrease in
30 emoluments. Any employee who cannot be absorbed by the Authority shall be entitled to a
31 separation pay under existing retirement laws.

32
33 Qualified existing personnel of the Pasig River Rehabilitation Commission shall be
34 given preference in the filling up of plantilla positions created in the Authority, subject to
35 existing civil service rules and regulations.

36
37 SEC. 36. Joint Congressional Oversight Committee- There is hereby created a Joint
38 Congressional Oversight Committee to monitor the implementation of this Act and to review
39 the implementing rules and regulations promulgated by the Authority. The Committee shall
40 be composed of five (5) senator and five (5) Representatives to be appointed by the Senate
41 President and the Speaker of the House Representatives, respectively. The Oversight
42 Committee shall be co-chaired by the Chairpersons of the Committees on Environment of the
43 Senate and the Committee on Ecology of the House of Representatives.

1 SEC. 37. Implementing Rules And Regulations- Within ninety (90) days from the approval
2 of this Act, The Board of Directors of the Authority shall issue the necessary rules and
3 regulations for the effective implementation of this Act. The implementing rules and
4 regulations shall be published in the official Gazette or in a newspaper of general circulation.
5
6

7 SEC. 38. Repealing Clause – Presidential Decree No. 274 issued on November 18,1973
8 pertaining to the preservation, beautification, improvement and gainful utilization of the
9 Pasig River, and Executive Order No. 54 issued on January 6,1999, creating the Pasig River
10 Rehabilitation Commission, are hereby repealed. All other laws, decrees, orders, rules and
11 regulations or parts thereof, which are inconsistent with the provisions of this Act are hereby
12 modified accordingly.
13

14 SEC. 39. Separability Clause – If any provisions of this Act is declared unconstitutional or
15 invalid, the other provisions not otherwise affected shall remain in full force and effect.
16

17 SEC. 40. Effectivity – This Act shall take effect fifteen (15) days after its publication in the
18 Official Gazette or in a newspaper or general circulation.
19
20
21

22 *Approved,*