

SENATE
S. B. No. **3484**

9 OCT 14 AM 10

Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

Every year, the Philippines is hit by “super typhoons” that cause widespread devastation to crops, homes, and cost hundreds of lives. A joint study by the University of Adelaide, Flinders University and the University of Waikato found that the Asia Pacific region is among the world’s most prone to environmental hazard. This regional “hot spot” is due to the impact from storms, water stress, coastal vulnerability due to sea level rise, and riparian flooding. The Asian Development Bank reported that Southeast Asia will be among the regions worst affected by global warming.

Flooding causes some of the biggest damage to life and property in the event of a storm. A study by the Economy and Environmental Program for Southeast Asia also identified floods as one of the dominant hazards for the Philippines. Felipe Palafox Jr., an urban planning expert, estimated the cost of flooding at P20 billion annually and recommended that it is more practical for the government to take a preventive and proactive stance by investing in implementing complete strategies to deal with flooding. Just recently, the National Disaster Coordinating Council estimated that property damage from widespread flooding due to tropical storm “Ondoy” amounted to P10.45 billion.

This bill seeks to protect the public from the risks caused by storms by minimizing the occurrence of floods and providing adaptive measures in case of failure of prevention.


MIRIAM DEFENSOR SANTIAGO

5 OCT 14 AM 10

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AN ACT
CREATING THE NATIONAL FLOOD MANAGEMENT
COMMISSION

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

SECTION 1. *Short Title.* – This Act shall be known as the “Flood Management Act of 2009.”

SECTION 2. *Declaration of policy.* – The State recognizes that flood prevention and management are necessary to protect lives and property from the dangers caused by storms. The Commission shall observe the principles of unified and national planning, consideration of all stakeholders, the adoption of integrated measures for flood management, and a coordinated effort from all concerned government agencies and local government units.

SECTION 3. *Creation and Composition of the Commission.* – There is hereby created a National Flood Management Commission, under the supervision and administrative control of the President, hereinafter referred to as the Commission, whose members shall be composed of a chairperson and four (4) members who shall be appointed by the President of the Philippines.

SECTION 4. *Powers and functions of the Commission.* – The Commission shall have the following powers and functions:

- (a) Study, consider and determine with a sound public policy regarding flood prevention, flood control and flood protection;
- (b) Compile figures on past and current flood damages and information and scientific data relative to the recurrence of floods;

- 1 (c) Recommend changes to clean out, widen, deepen, straighten, change, alter, divert, or
2 eliminate in whole or in part the course or terminus of any natural or artificial water
3 stream;
- 4 (d) Recommend the construction, take over, maintenance, and operation of dams,
5 reservoirs, holding or impounding basins, flood gates, and similar structures;
- 6 (e) Recommend the construction of dikes, levees, or other artificial barriers to protect
7 against the inundation of property;
- 8 (f) Assist local government units in the promulgation and implementation of effective
9 flood plain management regulations and practices;
- 10 (g) To coordinate the flood management activities of local and appropriate national
11 agencies;
- 12 (h) To prepare and distribute information and to conduct educational activities that will
13 help the public and local government units in complying with the purposes of this act;
- 14 (i) To provide local governments having jurisdiction over flood-prone lands technical
15 data and maps adequate to develop or support reasonable flood management
16 regulations;
- 17 (j) To adopt and promulgate rules and regulations establishing minimum standards for
18 local flood plain management regulations;
- 19 (k) To provide local governments and other state and local agencies with technical
20 assistance, engineering assistance, model ordinances, assistance in evaluating permit
21 applications and possible violations of flood plain management regulations, assistance
22 in personnel training, and assistance in monitoring administration and enforcement
23 activities;
- 24 (l) To serve as a repository for all known flood data in the country;
- 25 (m) To assist national or local agencies in the planning and implementation of flood plain
26 management activities, namely, flood warning systems, land acquisition programs,
27 and relocation programs if necessary;
- 28 (n) To enter upon any land or body of water for the purpose of making any investigation
29 or survey.

SECTION 5. *Qualifications of the Chairperson and Members of the Commission.* – The chairperson and the members of the Commission shall, at the time of their appointment, possess the following qualifications:

- (a) A citizen and resident of the Philippines;
- (b) The chairperson shall be a civil engineer with at least fifteen (15) years of practice;
- (c) The four (4) members of the Commission shall include:
 - (1) An expert in soil management;
 - (2) A geologist;
 - (3) An expert in waterways; and
 - (4) A representative from the Department of Public Works and Highways;

SECTION 6. *Term of Office.* – The chairperson and the members of the Commission shall hold office for a term of three (3) years from the date of their appointment and until their successor/s shall have been appointed: Provided, that the members of the first appointed Commission shall hold office for the following terms: one (1) member as chairperson, to serve for three (3) years; two (2) members to serve for two (2) years; and two (2) members to serve for one (1) year.

The chairperson and the members of the Commission may be reappointed for a second term but in no case shall he/she serve continuously for more than six (6) years. Any vacancy in the Commission shall be filled for the unexpired portion of the term of the member who vacated the position. On the constitution of the first Commission, the chairperson shall automatically be registered and issued certificates of registration and professional identification cards. Each member of the Commission shall take the proper oath of office prior to the assumption of duty.

SECTION 7. *Removal of the Chairperson and Members of the Commission.* – The chairperson or any member of the Commission may be suspended or removed by the President for neglect of duty; abuse of power; oppression; incompetence; unprofessional, unethical,

1 immoral or dishonorable conduct; or for any final judgment or conviction of any criminal offense
2 involving moral turpitude.

3 SECTION 8. *Annual Report.* – The Commission shall, at the close of each calendar year,
4 submit an annual report to the Chairperson of the Senate Committee on Urban Planning, Housing
5 and Resettlement and Chairperson of the House of Representatives Committee on Housing and
6 Urban Development.

7 SECTION 9. *Appropriations.* – The Department of Public Works and Highways shall
8 immediately include in the Department's programs the implementation of this Act, the funding
9 of which shall be included in the annual General Appropriations Act and every year thereafter.

10 SECTION 9. *Separability Clause.* – If any clause, sentence, paragraph or part of this Act
11 shall be declared unconstitutional or invalid, such judgment shall not affect, invalidate or impair
12 any other part of this Act.

13 SECTION 10. *Repealing Clause.* – Any law, presidential decree or issuance, executive
14 order, letter of instruction, administrative order, rule or regulation contrary to or inconsistent
15 with, the provisions of this Act is hereby repealed, modified, or amended accordingly.

16 SECTION 11. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its
17 publication in at least two (2) newspapers of general circulation.

Approved,

abg/12/10/09