

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



13 JUL -1 A8 51

SENATE
S.B. No. 9

RECEIVED BY: *[Signature]*

Introduced by Senator LOREN LEGARDA

EXPLANATORY NOTE

According to the National Water Resources Board (NWRB), there are 421 principal river basins in the Philippines, 20 of which are larger than 1,000 square kilometers and 18 of which are larger than 1,400 square kilometers. In 2007, the DENR declared that of the 421 principal river basins, 50 are already considered "biologically dead" due to pressures caused by urbanization, industrialization and poor sewerage, sanitation facilities, heavy siltation of rivers and other waterways, among others. This is an ongoing crisis since surface water is one of the country's three (3) main water sources, apart from rainfall and groundwater.

Currently there are more than 30 government agencies and departments that work on water and water-related programs. Notable of which are the main institutions - the National Economic and Development Authority (NEDA) which serves as the country's premier social and economic development planning and coordinating body, the National Water Resources Board (NWRB) which is the national apex body for water resource management and development; the Department of Environment and Natural Resources (DENR) which is responsible for the conservation, management, development and proper use of the country's environment and natural resources; the River Basin Control Office (RBCO) under the umbrella of DENR which is tasked to manage and develop the country's priority basins; the Department of Public Works and Highways (DPWH) mandated to undertake the design, construction, and maintenance of major flood control systems.

However, despite these collaborative efforts exerted by the government, various risks caused by typhoon *Sendong* that hit Northern Mindanao and some parts of the Visayas and Central Visayas including Negros Oriental, were not minimized. The risks of flashfloods and other water-related disasters are aggravated by extreme weather events due to climate change. Exacerbating the situation is the absence of an institutional framework addressing issues on water resource development, which leads to a fragmented and oftentimes conflicted approach in water management.

It is in this light that this proposed measure seeks to adopt and institutionalize the Integrated River System Management Approach as a systematic framework in addressing river water management and development and establish a comprehensive river administration system for flood control, water use and environmental conservation.

The salient points of the proposed River Administration bill are as follows:

- (a) Classification of river basins in terms of importance to land conservation and the national economy;
- (b) Adoption of an Integrated River System Management Approach which ensures that in principle, one whole river basin system is governed by one River Administrator;
- (c) Provision of strong authority for River Administrators on river and river water used to ensure orderly administration;
- (d) Creation of Drought Management Council;
- (e) Designation of local disaster risk reduction and management offices as flood fighting organizations; and
- (f) Creation of National River Councils and Provincial River Councils.

In view of the foregoing, early passage of this bill is earnestly sought.


LOREN LEGARDA
Senator



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

13 JUL -1 A8 51

SENATE

RECEIVED BY: *Jia*

S.B. No. 9

Introduced by Senator LOREN LEGARDA

AN ACT
ADOPTING THE INTEGRATED RIVER BASIN MANAGEMENT APPROACH AS
A COMPREHENSIVE FRAMEWORK IN DEVELOPING AND MANAGING THE
COUNTRY'S RIVER BASIN SYSTEMS, AND FOR OTHER PURPOSES

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

CHAPTER I
GENERAL PROVISIONS

1 **SECTION 1. Short Title.** - This Act shall be known as the "Philippine River
2 Basin System Administration Act of 2013".

3 **SEC. 2. Declaration of Policy.** It is the policy of the State to protect and
4 advance the right of the people to a balanced and healthful ecology in accord with the
5 rhythm and harmony of nature. Pursuant thereto, and since all rivers and river systems
6 are subject to the full protection of the State, there is a need for their proper
7 administration, conservation and utilization so as to prevent damage due to hazards
8 that are worsened by climate change and keep the normal functions of the river water
9 by maintaining and conserving the fluvial environment.

10 **SEC. 3. Definition of Terms.** - As used in this Act, the following words or
11 terms shall mean:

12 (a) "Class A Rivers" - river basins which are deemed important in terms of
13 land conservation and/or national economy as designated by the
14 National River Councils;

- 1 (b) "Class B Rivers" - one designated by the provincial governor concerned,
2 which belongs to such a water system other than those designated by the
3 National River Councils;
- 4 (c) "Disaster Risk Reduction" - the concept and practice of reducing risks
5 through systematic efforts to analyze and manage the causal factors of
6 disasters, including through reduced exposures to hazards, lessened
7 vulnerability of people and property, wise management of land and the
8 environment, and the improved preparedness for adverse events;
- 9 (d) "Food fighting organizations" - the local disaster risk reduction and
10 management offices established by virtue of RA 10121, otherwise known
11 as the "Philippine Disaster Risk Reduction and Management Act of 2010";
- 12 (e) "Flood fighting activities" - small-scale measures designed to minimize, if
13 not prevent, flooding damage;
- 14 (f) "NDRRMC" - the National Disaster Risk Reduction and Management
15 Council established by virtue of R.A. No. 10121";
- 16 (g) "River" - Class A or Class B river and includes the river administration
17 facilities. This includes not only natural streams and water bodies such as
18 rivers, lakes, and marshes, but also such artificial streams (i.e. floodway)
19 that have been constructed to serve a purpose for the general public,
20 excluding artificial streams and water areas provided for a specified water
21 use, such as channels for agriculture or power generation, sewer,
22 irrigation ponds, etc.";
- 23 (h) "River administration facility" - a dam, weir, sluice, levee, revetment,
24 ground sill or fluvial woods, which have the function of increasing or
25 maintaining public benefits from water of a river or of eliminating or
26 decreasing public losses which may be caused by the water of a river;
- 27 (i) "River administrators" - persons who administer rivers;

1 (j) "River works" - works executed on a river in order to increase the public
2 benefits or eliminate or diminish public losses caused by the water of the
3 river, including earth works (banking, excavation), construction and
4 repairs of structural facilities such as a levee, dam, weir and others,
5 countermeasures for storm surge, improvement of river environment,
6 among other things.

CHAPTER 2 CLASSIFICATION OF THE RIVER ZONE

7 **Sec. 4. River Zone.** - The river zone shall refer to the area where the land or
8 river water use shall be regulated. It shall include:

9 (a) The area of land where the water of a river flows continuously and of the
10 land where the topography, conditions of growth of vegetation and other
11 conditions are similar to the conditions of the land where the water flows
12 continuously;

13 (b) The area of the land which is a site of a river administration facility; and

14 (c) The land on the riverside designated by the river administrator as
15 necessary in order to perform river administration works in the area, as
16 under Section 4(a).

17 **Sec. 5. River Conservation Zone.** - When the river administrator deems it
18 necessary for the conservation of the river bank or the river administration facilities, he
19 may designate an area adjacent to the river zone as a river conservation zone.

20 **Sec. 6. Projected River Zone.** - In case the river administrator deems it necessary
21 for the execution of river works, he can designate as a projected river zone a stretch of
22 land, which is to have a lane included in the river zone by execution of the river works.

CHAPTER 3
ADMINISTRATION OF RIVERS

1 **Sec. 7. Administration of Class A Rivers** – The Secretary of the Department of
2 Public Works and Highways (DPWH) shall administer Class A Rivers, as follows, to
3 wit:

4 (a) **Direct Management Segment.** – Segments of Class A River with a
5 particular high level of importance shall be managed by the Secretary of
6 DPWH;

7 (b) **Designated Segment.** – Segments of Class A Rivers not part of Sec. 7(a) are
8 referred to as “Provincial Administration Section”, which the Secretary
9 may entrust part of its administration with the provincial governor that
10 has jurisdiction of the river basin system where the “Provincial
11 Administration Section” is located;

12 **Sec. 8. Administration of Class B Rivers.** – The administration of a Class B
13 River shall be performed by the governor of the province where the river concerned is
14 located.

15 **Sec. 9. Administration of Class B Rivers on the Provincial Boundaries.** – With
16 regard to the part of a Class B River forming or crossing the boundary between two or
17 more provinces, the provincial governors concerned shall fix a special system of
18 administration.

CHAPTER 4
CREATION OF THE NATIONAL RIVER COUNCIL

19 **SEC. 10. The National River Council.** – To serve as advisory council for the
20 river administrators, there shall be created the National River Council, hereinafter
21 referred to as the Council, which will be tasked to provide strategic proposals on
22 resource management of the country’s rivers. It shall be composed of the Secretary of
23 the Department of Public Works and Highways (DPWH) as Chairman, and the head of

1 the National of the National Water Resources Board (NWRB) as Vice-Chairman and
2 shall have the following as members:

- 3 (a) One (1) representative from the National Economic and Development
4 Authority (NEDA);
- 5 (b) One (1) representative from the Department of Environment and Natural
6 Resources (DENR);
- 7 (c) One (1) representative from the Department of Science and Technology
8 (DOST);
- 9 (d) One representative from the Department of Agriculture (DA);
- 10 (e) One (1) representative from the Department of Energy (DOE);
- 11 (f) One (1) representative from the National Water Resources Board (NWRB);
- 12 (g) One (1) representative from the National Hydrology Research Center
13 (NHRC) of the University of the Philippines;
- 14 (h) One (1) representative from the National Institute for Geological Sciences
15 (NIGS) of the University of the Philippines;
- 16 (i) One (1) representative from the Philippine Atmospheric Geophysical and
17 Astronomical Services Administration (PAGASA);
- 18 (j) One (1) representative from the NDRRMC; and
- 19 (k) One (1) representative from the Climate Change Commission.

20 The Secretary of DPWH shall appoint additional two (2) members from the
21 private sector who are experts on rivers, two (2) representatives from the private
22 industrial, irrigation, hydro power users, and two (2) non-government organizations
23 (NGOs) in the field of water resource management and conservation.

24 **SEC. 11. Powers and Functions of the Council.** - The Council shall have the
25 following powers and functions:

- 26 (a) Develop a National River Plan, which shall provide river administrators
27 strategic proposals on effective river and river water management based

1 on changing needs and priorities of the country. The plan will be based on
2 inputs collected from opinions of water use experts, water users, and
3 other stakeholders. This plan shall serve as the principal guide in the
4 formulation of river administration and improvement plans throughout
5 the country and shall be reviewed on a five-year interval, or as may be
6 deemed necessary, to ensure its relevance to the times;

7 (b) Designate river water systems, on the basis of their importance to
8 environmental conservation and/or to the national economy, as Class A
9 rivers;

10 (c) Ensure the competence of river administrators in the discharge of their
11 duties by providing them with institutional and technical support and
12 monitor their compliance with the river administration and improvement
13 plans;

14 (d) In cases where it is found the river administrator fails to discharge his
15 duties as such, the Council, may designate the Secretary of the DPWH as
16 river administrator until such time that a competent river administrator
17 may already take his place;

18 (e) Upon the request of the Secretary of the DPWH, the Council shall conduct
19 deliberations on matters which are important in achieving effective river
20 administration in the country;

21 **SEC. 12. Provincial River Councils.** - There shall be created Provincial River
22 Councils empowered to coordinate, supervise, and monitor the river administration
23 activities of the Class B rivers to ensure their consideration of the current National
24 River Plan. It shall be composed of the Provincial Governor, as Chairman, the Regional
25 Director of NEDA, as Vice-Chairman, and the following as members:

26 (a) The Provincial Vice-Governor and Board Members;

27 (b) One (1) representative from the DENR;

- 1 (c) One (1) representative from the DPWH;
- 2 (c) One (1) representative from the LDRRMOs;
- 3 (d) Three (3) representatives from the private sectors coming from the private
- 4 industrial, commercial, and agricultural users;
- 5 (e) One (1) NGO representative with expertise in the field of water
- 6 conservation; and
- 7 (f) One (1) representative from the academe with expertise in water issues.

CHAPTER 5 PLANNING OF RIVER ADMINISTRATION

8 **Sec. 13. Fundamental River Management Policy.** - The river administrator

9 shall determine the flood discharge, river water quality, as stipulated in the Clean

10 Water Act, and other matters which shall be the basis for a "fundamental river

11 management policy" of river works and river maintenance, hereinafter referred to as

12 "river improvement".

13 There shall be established a fundamental river management policy for each river

14 system to ensure comprehensive administration of the rivers in the water system, by

15 taking into consideration the conditions of flood damage frequency, present status of

16 water resource utilization, their development and the fluvial environment.

17 **Sec. 14. The River Improvement Plan.** - River administrators shall establish a

18 plan to improve the river concerned hereinafter referred to as the "river improvement

19 plan", and comply with the following fundamental river management policy:

- 20 (a) The river administrator shall undertake necessary measures to maintain
- 21 the quality of the water of the river, based on standards set by the DENR
- 22 under Section 19 of the Clean Water Act of 2004, and to prevent the
- 23 occurrence of disasters and/or mitigate damages for those areas where
- 24 disasters frequently occur due to precipitation, topography, geology and
- 25 other conditions;

1 (b) In drafting a river improvement plan, a river administrator shall consult
2 those with academic background and expertise;

3 (c) In consideration of the preceding paragraph, river administrators shall
4 take necessary measures, such as public hearings, among other things, to
5 reflect the opinion of the people concerned whenever necessary;

6 (d) When a river administrator establishes a river improvement plan, he/she
7 shall make public notification without delay;

8 (e) The river improvement plan should be harmonized with the respective
9 national and local disaster risk reduction and management plans and the
10 National and Local Climate Change Action Plan;

CHAPTER 6 ADMINISTRATIVE RIVER MANAGEMENT

11 **Sec. 15. Administrative River Management.** - The river administration consists
12 of Administrative Jobs, the Preparation and Maintenance of River Ledgers, Facility
13 Construction and Management, and the Provision of Legal Permissions and
14 Regulations.

15 **Sec. 16. Preparation of River Ledgers.** - A river administrator shall prepare a
16 set of river ledgers for the rivers he administer, and keep it in custody, in the following
17 manner:

18 (a) The set of river ledgers shall comprise a register of present river
19 conditions and a register of water utilization.

20 (b) The items to be entered in the river ledgers and other necessary matters
21 concerning their preparation and custody shall be provided for in the
22 Implementing Rules and Regulations of this Act; and

23 (c) When the river administrator receives a request for permission of perusal
24 of the river ledgers, he shall not refuse it unless there is justifiable reason.

1 **Sec. 17. Data Collection, Investigation and Survey.** - With the help of relevant
2 government agencies such as the Department of Environment and Natural Resources
3 (DENR) and the Department of Science and Technology (DOST), the river administrator
4 shall collect or conduct surveys on the hydrologic data, such as rainfall, water level and
5 flood discharge; topographic data, such as aerial photographs, survey map, cross
6 section, flooded areas, among other things; geologic data, such as site geology, material,
7 ground water level, fault, crack, among others; flood and drought damages, water
8 quality, flora and fauna, and other data regularly. River administrators shall also
9 investigate or analyze various river and basin data for the suitable river management.

CHAPTER 7
CONSTRUCTION OF RIVER WORKS AND
MANAGEMENT OF RIVER ADMINISTRATION FACILITY

10 **Sec. 18. Classification of River Works.** - River works and other works are
11 classified by the following items:

12 (a) River works by the river administrator - This include works executed
13 under the River Improvement Plan; urgently executed for the repair and
14 restoration of a river administration facility; and river works executed by
15 person other than river administrators built for joint use, herein referred
16 to as joint use facilities;

17 (b) River works by a person other than the river administrator - This include
18 those river works executed after the river administrator's approval;
19 executed for a compensatory work necessitated by another person's work
20 which affects the river; and the construction of joint use facilities; and

21 (c) Works other than river works by the river administrator. - This includes
22 works executed for an incidental work necessitated by river works and
23 those executed for maintenance of a river administration facility.

1 **Sec. 19. River Works by Cities and Municipalities.** – Notwithstanding the
2 provisions under Section 38 to 40 of this Act, a city or municipal head may carryout
3 river works or river maintenance on designated section of the Class A and/or B Rivers,
4 upon permission of the concerned river administrator.

5 **SEC. 20. Operation of the River Administration Facility.** The river
6 administrator shall prepare “Operational Regulation for the River Administration
7 Facility” for the main facilities (dam, weir, gate, among others) and operate properly
8 according to the Regulations provided for under this Act.

9 **SEC. 21. Maintenance Work.** – The river administration facility shall be
10 maintained in good condition. It includes the daily or periodic maintenance,
11 inspection, and cleaning on structures, facilities, machinery, revetments, river space,
12 such as: weeding, redressing, cutting down assorted trees, removing dust; and the daily
13 patrol along rivers.

14 **SEC. 22. Structural Standards for River Administration Facilities.** – River
15 administration facilities must be structurally safe in consideration of water level, flow,
16 topographical and geologic conditions and other river conditions, water pressure, and
17 other anticipated loads.

18 The river’s historical water levels, flow, and where possible, projected levels,
19 flow and other loads due to climate change, shall be considered.

20 Technical standards necessary for river administration and applicable to dams,
21 levees and other major river administration facilities as well as river structures
22 established, shall be stipulated in the IRR of this Act.

23 The river administrator shall, for such dams, weirs, sluices, and other facilities
24 involving operations, out of the river administration he administers, establish
25 respective operation regulations, as may be provided for in details in the IRR of this
26 Act.

1 When the river administrator intends to establish or change the operation
2 guidelines or execute a river work, which may have a marked effect on a river
3 administered by another river administrator/s, the river administrator, shall, in
4 advance consult with the other river administrator/s.

**CHAPTER 8
ANNUAL FEES GENERATED FROM RIVER
AND RIVER WATER USE**

5 **SEC. 23. Annual Fees.** - River administrators are hereby authorized to collect
6 annual fees for the use of river and river water resource for all beneficial purposes
7 including fisheries, aquaculture, municipal, industrial, agricultural including irrigation,
8 hydroelectric power generation, transport and navigation, waste disposal purposes, and
9 recreation among others. All the fees collected shall be accordingly appropriated for the
10 sustainable development of the river being managed, including, but not limited to, the
11 financing of the river improvement plan, and shall not be remitted to the National
12 Treasury as an exemption to the provisions of Presidential Decree No. 1234.

**CHAPTER 9
REGULATIONS AND RESTRICTIONS FOR
THE RIVER AND RIVER USE**

13 **SEC. 24. Permission for Land Occupancy.** - Any person who intends to occupy
14 land within a river zone shall obtain the permission of the river administrator.

15 **SEC. 25. Permission for Construction, Reconstruction, or Removal of**
16 **Structures within a River Area.** - Any person who intends to construct, reconstruct or
17 remove a structure on the land within a river zone shall obtain the permission of the
18 river administrator.

19 **SEC. 26. Permission for Gathering of Soil, Sand, Stone from a River Area.** -
20 Any person who intends to gather soil, sand, stone or other similar material within a
21 river zone shall obtain the permission of the river administrator.

1 **SEC. 27. Permission for Land Excavation.** - Any person who seeks to excavate,
2 bank or cut or carry out any other act that alters the shape of land and river zones or
3 seeks to plant or cut trees on land in river zones shall obtain permission from the river
4 administrator.

5 **SEC. 28. Permission for Planting or Felling of Trees.** - Any person who seeks
6 to plant or fell trees within a river zone shall obtain permission from the river
7 administrator.

8 **SEC. 29. Prohibitions, Restrictions and Permission for Floating of Trees and**
9 **Passage of Boats.** - The floating of trees, bamboo down a river and the passage of boats
10 and rafts are prohibited or restricted, until obtaining permission of the river
11 administrator for such acts.

12 **SEC. 30. Prohibition, Restrictions and Permission for Act Likely to Hinder**
13 **River Administration.** - Acts which are likely to hinder river administration by
14 affecting the course, cleanliness, discharge, width, or depth of the water of a river, may
15 be prohibited or restricted until a permission of the river administrator is obtained for
16 such act.

17 **SEC. 31. Prohibition of Use of Structures Built without Permission.** - The use
18 of structures built without the permission of the river administrator is prohibited, until
19 a permission of the river administrator is obtained for such acts.

20 **SEC. 32. Use of Permitted Structures.** - Any person permitted under Section 21
21 shall pass the completion inspection by the river administrator before being allowed the
22 use of the structure. A person who constructs or reconstructs a dam may use the said
23 structure only after it has been subject to and passed a completion check by the river
24 administrator.

25
26
27

CHAPTER 10
REGULATION IN DAM CONSTRUCTION AND OPERATION

1 **SEC. 33. Maintenance of Existing Functions of River.** - In the case where the
2 condition of a river changes as a result of the construction of a dam and the former
3 functions of the river are diminished during a flood, a person/the entity who
4 constructed the dam in order to store or intake the flowing water and which has a
5 height from the foundation to the crest of at least 15 meters - hereinafter referred to as
6 water utilization dam, must establish facilities necessary to maintain the said functions
7 in accordance with the directions of the river administrator.

8 **SEC. 34. Monitoring of Hydrologic Situations.** - A person/an entity who owns
9 a water utilization dam shall construct observation facilities and observe the water
10 stage, discharge and precipitation in accordance with the standards which may be fixed
11 in the IRR of this Act.

12 **SEC. 35. Report on the Dam Operations.** - When a flood occurs or when it is
13 projected that flooding may occur, the owner of a water utilization dam referred to in
14 the preceding article shall report the results of observation under the provision of the
15 same article and the condition of operating the dam to the river administrator, the
16 governor and the National Disaster Risk Reduction and Management Council
17 (NDRRMC) as may be provided for in detail by the IRR of this Act.

18 **SEC. 36. Regulation for Dam Operations.** - When the owner of a water
19 utilization dam intends to use the dam for the purpose of storing or taking river water,
20 he shall establish regulations for operating it and obtain the approval of the river
21 administrator concerning the regulations, as may be provided for in details by the IRR
22 of this Act. The same shall apply in case he intends to revise the regulations.

23 **SEC. 37. Preventive Measures for Damage.** - Whenever the owner of a water
24 utilization dam deems that the operation of the dam will cause a considerable change in
25 the condition of the river water and so it is necessary for the prevention of the resulting

1 harm, he shall in advance report the fact to the river administrator, LGUs concerned
2 and the heads of the police stations concerned and take necessary steps to make it
3 known to the public, as may be provided for in detail by the IRR of this Act.

4 **SEC. 38. Preparation and Custody of Operation record.** – The owner of a water
5 utilization dam shall prepare a record of the operation of the dam whenever a flood
6 occurs, keep it, and, when demanded to submit it by the river administrator, submit it
7 without delay to the river administrator, as may be provided for in detail by the IRR of
8 this Act.

9 **SEC. 39. Appointment of a Chief Superintendent for a Dam.** – In case the
10 owner of a water utilization dam uses the dam for the purpose of storing or taking river
11 water, he shall appoint as chief superintendent for a dam, an engineer possessing the
12 qualifications fixed by the IRR of this Act for proper execution of the maintenance,
13 operation and other administration of the dam.

14 **SEC. 40. Instructions for Flood Control.** – In case a disaster has been caused or
15 there is a strong probability that a disaster will be caused by floods, if the river
16 administrator deems it of urgent necessity for preventing or minimizing the disaster, in
17 consultation with the NDRRMC, he may instruct the owner of the water utilization
18 dam that he should, on the basis of overall consideration of the conditions of the rivers
19 belonging to the water system, take necessary steps in connection with the operation of
20 the dam to prevent or minimize the disaster.

CHAPTER 11 STEPS TO BE TAKEN DURING DROUGHTS

21 **SEC. 41. Water Conciliation during Droughts.** – In case an unusual drought
22 makes it difficult to adequately use the river water for the permitted utilization
23 purposes or when such a situation is expected, river administrators, in consultation
24 with the NWRB, shall provide necessary information for water use conciliation.

1 **SEC. 42. Exceptional Arrangement for Water Use during Droughts.** - In the
2 event of a drought, a Drought Conciliation Council, which will coordinate water intake
3 during droughts, shall be convened, and organized by all stakeholders. This includes
4 the river administrator, the LGUs, the line agencies concerned, and the water users.

5 **SEC. 43. Avoidance of Water Shortage.** - To avoid water shortage, the river
6 administrator shall set a target of safety measure against drought and shall permit, in
7 consultation with the NWRB, every new water use only in case of no influence to this
8 target and existing water users.

CHAPTER 12 STEPS TO BE TAKEN FOR FLOOD FIGHTING

9 **SEC. 44. Flood Fighting Preparation.** - During normal times, the DPWH
10 Secretary and governors, in their capacity as river administrators, in consultation with
11 the NDRRMC and the local disaster risk reduction and management councils, shall
12 formulate their own flood-fighting plans for coordination and implementation of flood
13 fighting activities. The flood-fighting plan shall be integrated in the Local Disaster Risk
14 Reduction and Management Plans of LGUs. As river administrators, they shall be in
15 charge in the public announcement of flood-prone areas along rivers.

16 **SEC. 45. Flood Fighting Warning.** - The DPWH Secretary shall issue a flood
17 fighting warning, in consultation with the NDRRMC, for designated rivers, lakes, and
18 other bodies of water that could cause a serious loss to the national economy due to a
19 flood or high tide. The governors shall issue the same for their designated rivers, lakes
20 and other bodies of water other than those administered by the DPWH Secretary.

21 **SEC. 46. Flood Fighting Activities.** - Flood fighting shall be in the hands of
22 flood fighting organizations or the LDRRMCs that will patrol the rivers and sea dikes
23 from time to time.

24 (a) During normal times, flood fighting organizations shall be in charge in
25 the preparation of flood fighting storage, communication tools, and the

1 conduct of drills in their respective jurisdiction. More importantly, they
2 shall also develop flood hazard maps in coordination with the river
3 administrators, the NDRRMC, DENR and other relevant agencies.

4 (b) During the actual flood, flood fighting organizations shall be in charge of
5 flood warning and patrol, and the implementation of levee protection
6 activities. Flood fighting organizations shall be in charge of providing
7 real time information on flooded areas and flood water depth after the
8 commencement of flooding of major rivers.

CHAPTER 13 ENFORCEMENT MEASURES

9 **SEC. 47. River Guards.** - River administrators may appoint river guards from
10 among their staff members who shall apprehend violators of the provisions of this Act.

11 **SEC. 48. Penalties.** - Any person who violates any of the provision of this Act
12 or its implementing rules and regulations, shall be fined in the amount of not less than
13 Ten Thousand Pesos (P10,000.00) nor more than Two Hundred Thousand Pesos
14 (P200,000.00). The fines herein prescribed shall be increased by ten percent (10%) every
15 two (2) years to compensate for inflation and to maintain the deterrent function of such
16 fines.

17 **SEC. 49. Administrative Sanctions Against Non-compliance with this Act.** -
18 Local government officials concerned shall be subject to Administrative sanctions in
19 case of failure to comply with the provisions of this Act in accordance with the relevant
20 provisions of R.A. No. 7160.

CHAPTER 14 FINAL PROVISIONS

21 **SEC. 50. Implementing Rules and Regulations.** - The Department, in
22 coordination with the DENR and the NWRB, and other concerned agencies shall

1 promulgate the implementing rules and regulations for this Act, within six (6) months
2 after the implementation of this Act.

3 The draft of the implementing rules and regulations shall be published and be
4 the subject of public consultations with affected sectors.

5 There shall be an annual mandatory review of the implementing rules and
6 regulations and the standards set pursuant to the provisions of this Act.

7 **SEC. 51. Repealing Clause.** – All laws, orders, rules and regulations, or
8 portions thereof, inconsistent with this Act are hereby repealed and modified
9 accordingly.

10 **SEC. 52. Separability Clause.** - If any provision of this Act or the application of
11 such provision to any person or circumstances be declared unconstitutional, the
12 remainder of this Act or the application of such provision to other person or
13 circumstances shall not be affected by such declaration.

14 **SEC. 53. Effectivity Clause.** – This Act shall take effect fifteen (15) days from the
15 date of its publication in the Official Gazette or in two (2) newspapers of general
16 circulation.

17 Approved,