

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

SECRETARY

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SENATE

S.B. No. 922



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Introduced by Senator Jinggoy Ejercito Estrada

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EXPLANATORY NOTE

This bill seeks to establish rivers, river systems, beaches and waterways as ecological zones. One of the most critical ecological problems of the country is the environmental degradation of rivers and waterways. The damage to rivers and waterways has not only threatened public safety but has already exacted cost in human lives.

The problem goes beyond the issue of failure of implementing of enforcing environmental policies or laws, that of having a separate agency or authority, or that of anomalies (such as the titling of esteros and water channel areas, or tolerance of squatting). It may essentially be the lack of land use policy and plan by government.

Declaring and establishing rivers, river systems, beaches, shores, and like waterways as ecological zones is a feasible measure towards the fulfillment of national land use policy and planning in the Philippines. This will help realize the Constitutional mandate of the State to "protect and advance the right of the people to a balanced and healthful ecology" (Section 16, article II).

Approval of this bill is earnestly sought.

  
JINGGOY EJERCITO ESTRADA  
Senator


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**AN ACT  
DECLARING AND ESTABLISHING RIVERS, RIVER SYSTEMS, BEACHES,  
SHORES AND WATERWAYS AS ECOLOGICAL ZONES,  
AND FOR OTHER PURPOSES**

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

SECTION 1. **Title.** This Act shall be known as the "River and Waterways Ecological Zones Act of 2004".

SECTION 2. **Declaration of Policy.** – It is policy of the State to guarantee to the people a balanced and healthful environment in full accord with the rhythm of nature. Pursuant thereto, all rivers, river systems, beaches, shores and other, waterways are hereby declared ecological zones subject to the full protection of the State.

SECTION 3. **Definition of Terms.** –

a. "River" shall refer as follows:

- 1) A "major" river has at least 1,400 kilometers of drainage area; and
- 2) A "principal" river has at least forty (40) square kilometers of drainage

b. "River system" is a network of channels naturally or artificially designed to drain the whole catchment area into one outlet point, and this includes esteros, channels, creeks, springs, brooks, storm drains, streams, tributaries and blood channels,

c. "Waterways" refer to other water channels not readily recognized as river, river system, beach or shores but serve the same function as the latter as may be determined by competent authority or by the appropriate government agency, i.e. Department of Environment and Natural Resources (DENR).

d. "Environmentally degraded" means either of the following:

- i) The water quality has deteriorated such that the dissolved oxygen content (DOC) is zero; biochemical oxygen demand (POD) is more than one-hundred milligrams per liter (100 mg/l); presence of toxic substance or heavy metals is above standards; or
  - ii) Heavily silted or filled up by sediment; absence of surface water flow; and erosion of river or waterway beds and banks.
- e. "Environmental Impact Assessment (EIA)" – refers to the planning and decision-making process which includes studies of the environment with impact of a project including a discussion of the direct and indirect consequences upon human welfare and ecological and environmental integrity. EIA should also include studies on the alternatives to proposed projects.
- f. "Environmental Impact Statement (EIS)" – refers to the document reflecting the aims to identify, predict, interpret and communicate information regarding changes in environmental quality and communicate information regarding changes in environmental quality associated with a proposed project, and the range of alternatives for the objectives of the proposal and their impact on the environment.
- g. "Statement of Environmental Consequence" – refers to a simpler or small scale version of the Environmental Impact Statement (IES) system.

**SECTION 4. *Purposes.*** – The primary purpose of this Act are as follows:

- a. To recognize and protect rivers and waterways as environmental resource critical to the ecological dimension of the lives of the people;
- b. To establish multi-use of rivers and waterways, provided such is within the bounds of environmental protection and ecological balance;
- c. To legally equip the government in pursuing environmental protection objectives and enforcing corresponding laws, rules and regulations; and
- d. To establish the natural resource of rivers and waterways within the context of a national land and resource use planning and zoning, a long-awaited environmental protection and efficient resource utilization measure.

**SECTION 5. *Environmental Protection System.*** All current or prospective modes of occupancy, utilization or application of portions or surrounding areas of rivers,

beaches, shores, and waterways shall henceforth be subjected to the Environmental Impact Assessment (EIA) and Environmental Impact Statement (EIS) Systems or Statement of Environmental of Environmental Consequences (SEC) for small scale or household endeavors as determined by the Environmental Management Bureau (EMB) of the Department of Environmental Natural Resources (DENR)

**SECTION 6. *Prohibited Acts.*** – It is hereby declared unlawful for any person, natural or juridical to:

- a. Dump solid, toxic and hazardous waste or untreated for any person, natural or system or waterway;
- b. Dump or throw domestic garbage into the river system or waterways;
- c. Squat or appropriate banks or portion of rivers or waterways for private use or gain, except as duly authorized or allowed for such reasonable easement of public use in the interest of recreation, navigation, floatage, fishing and salvage.
- d. Fence off or encroach upon any river system or waterways or portions thereof, by any means whatsoever, and convert the same into fishpens or other private or commercial use, without the necessary environmental protection clearance, i.e ETA/ETS or SEC
- e. Aid or conspire by way of commission or negligence in the perpetration of above-cited prohibited acts.

**SECTION 7. *Penal Clause.*** Any person who violates any acts herein prohibited shall be punished by imprisonment of not less than six (6) years and one (1) day or more that eight(8) years, and a fine of not less than Ten thousand pesos (P10,000.00) nor more than Twenty thousand pesos (P20,000.00): Provided, however, That in case of violation of this Act by an association, club, partnership, cooperative, or corporation or other juridical entity, the incumbent officers thereof who have knowingly participated in the violation shall be held liable: Provided, further, That if the offender is a foreigner, he shall be immediately deported and barred forever from entering the country after serving sentence and paying the fine: Provided, further, That if the offender is a government official or employee, he shall be permanently barred from holding any public office, appointment or employment: Provided, finally, That the title, license, permit or lease held by the offender over the occupancy or use of the portion of river system or waterway is automatically revoked.

**SECTION 8. *Administration and Enforcement; Implementing Guidelines.*** – The Secretary of the Department of Environment and Natural Resources (DENR) shall have the primary responsibility for the administration and enforcement of this Act. It

shall transmit all cases for prosecution arising from violations of this Act to the proper authorities for appropriate action.

The implementing guidelines, rules and regulations, programs, projects and activities needed in pursuit of the provisions of the Act shall be promulgated and issued by the Secretary of the DENR within ninety (90) days after the enactment of this Act.

SECTION 9. **Appropriations.** – The DENR shall make the necessary realignment of its existing budget to accommodate the initial expenditures in pursuit of the provisions of this Act. In succeeding years, such financial support from the government shall come from annual appropriations

SECTION 10. **Devolution.** – The actual enforcement or implementation of the provisions of this Act shall be devolved to the Local Government Units five (5) years after the effectivity of this Act. The DENR shall render the necessary operating policy, monitoring and evaluation, and technical assistance.

SECTION 11. **Repealing Clause.** – Any law, decree, rule, regulation or other issuance or part thereof which is inconsistent with the provisions of this Act is hereby repealed, amended or modified accordingly.

SECTION 12. **Effectivity Clause.** – This Act shall take effect fifteen (15) days after its publication in at least two (2) newspaper of national circulation.

Approved,