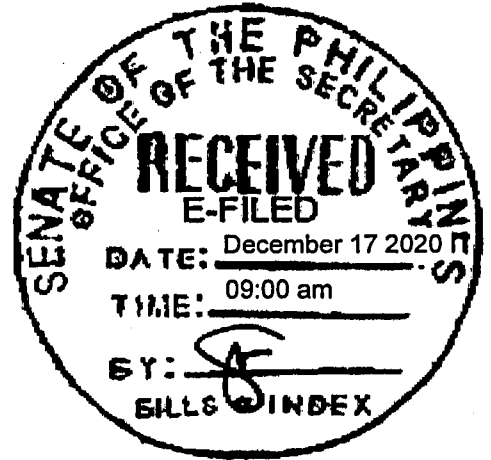


EIGHTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Second Regular Session)

SENATE
S. No. 1958



Introduced by SENATOR RAMON BONG REVILLA, JR.

**AN ACT
CREATING THE CAGAYAN RIVER BASIN DEVELOPMENT AUTHORITY,
PRESCRIBING ITS POWERS, FUNCTIONS AND DUTIES, PROVIDING FUNDS
THEREFOR, AND FOR OTHER PURPOSES**

EXPLANATORY NOTE

Cagayan River, or Rio Grande de Cagayan, is the longest river in the country at more than 500 kilometers. Civilizations and cultures of the region thrived and revolved around this mighty river. The river and its tributaries have provided the people with water for irrigating lands and fertile soil for agriculture, scenic spots for tourism and recreation, gateway for transportation and commerce, and other vital economic resources such as fish, sand and gravel, energy, among others. For centuries, the river has been a source of life and engine of growth for the region.

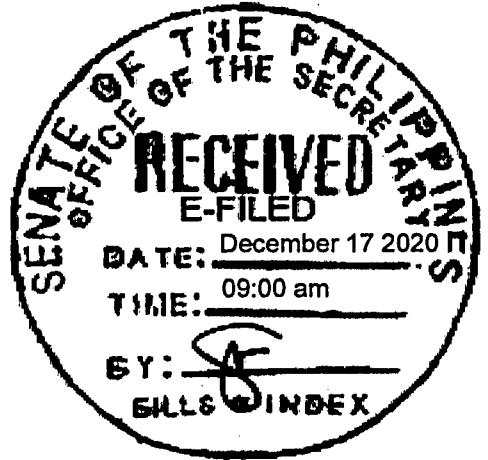
However, the onslaught of typhoon "Ulysses" (international name Vamco) on November 2020 in the Luzon Island and its adverse impact in many provinces exposed the vulnerabilities of our environment, including the Cagayan River and its surroundings. While not directly hit by the storm, the northern provinces of Cagayan and Isabela were submerged in floodwaters. In Tuguegarao City alone, 41 of 49 barangays were inundated with flood. Many families were left stranded on their rooftops crying for help and rescue. To illustrate to extent of the damage, the Buntun Bridge, which crosses the Cagayan River with a normal water level of only 4 meters, was nearly engulfed by the river as its waters rose to 13.3 meters. The flooding incident was unprecedented in the history of the province.

This bill seeks to create a superbody – the Cagayan River Basin Development Authority – that will harmonize multi-sectoral efforts and oversee and accelerate the protection, rehabilitation and development of the expansive Cagayan River basin which covers nine provinces (Nueva Vizcaya, Quirino, Isabela, Cagayan, Kalinga, Apayao, Ifugao, Mountain Province, and Aurora) across three regions (Cordillera Administrative Region, Cagayan Valley, and Central Luzon). It seeks to address the problems and issues of the Cagayan River through a multi-dimensional, science-based and integrated approach, and prevent the occurrence of another catastrophe similar to the recent flooding. Lastly, it seeks to further develop the unutilized potentials of the Cagayan River basin and spur more economic activities throughout Northern Luzon through sustainable strategies, long-term planning and inter-regional cooperation.

This bill has been filed before the House of Representatives as early as 2008 during the Fourteenth Congress. In this light, the passage of this bill is earnestly sought.


RAMON BONG REVILLA, JR.

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

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

3 Sec. 2. *Declaration of Policy.* – It is hereby declared the policy of the State to
4 promote the integrated management and development of resources in the country’s
5 river basin, within the context of the river basin approach to optimize economic and
6 social welfare without compromising the sustainability of environmental system to
7 ensure a fair sharing of the national patrimony between and among its people.

8 Sec. 3. *Purposes and Objectives.* – It is the purpose, intent and objective of
9 this Act to:

- 10 a. Establish the legal framework and mechanisms for the creation of the
11 Cagayan River Basin Development Authority;
- 12 b. Consolidate and harmonize all development initiatives within the river basin
13 under the overall framework of a unified river basin management, protection
14 against environmental degradation, immediate rehabilitation and
15 development approach;

- 1 c. Maximize the participation of all stakeholders in the area, establish the most
2 effective approach to effect an active and sustainable collaboration among
3 stakeholders from government agencies, non-government
4 agencies/people's organizations and the private sector and communities
5 within the area;
- 6 d. Promote equitable sharing of costs and benefits from the basin's natural
7 resources without compromising the river's preservation and sustainable
8 usage; and
- 9 e. Negotiate local and external investment in the area, thereby generating
10 required resources to support the implementation of required and necessary
11 interventions (physical or services) increasing livelihood opportunities and
12 facilitating the provision of needed social services for the people within the
13 basin.

14 **Sec. 4. *Creation of the Cagayan River Basin Development Authority.*** – For the
15 purpose of carrying out and effecting the declared policy, as provided for in Section 2
16 hereof as well as its purposes and objectives, there is hereby created a corporate body
17 to be known as the Cagayan River Basin Development Authority, hereinafter referred
18 to as the Authority; under the Office of the President, which shall be organized within
19 one hundred twenty (120) days after the approval of this Act. The Authority shall
20 execute the powers and functions herein vested and conferred upon it in such a
21 manner as well in its judgment, aid to the fullest possible extent in carrying out the
22 aims and purposes of this Act.

23 **Sec. 5. *Territorial Jurisdiction.*** – The Authority shall have jurisdiction over all
24 the areas within the watershed of the Cagayan River with origin from its headwaters
25 in the Caraballo Mountains, and flowing through the provinces of Nueva Vizcaya,
26 Quirino, Isabela, and Cagayan, as well as the provinces covered by the Cagayan River
27 basin such as Aurora, Kalinga, Apayao, Ifugao and Mountain Province.

28 **Sec. 6. *Location of Principal Office.*** – The Authority shall maintain its principal
29 office at the most strategically located place in the region. It may, however, establish
30 branch offices in other places necessary for the proper conduct of its business.

1 **Sec. 7. Powers and Functions:** – In addition to the usual corporate powers and
2 in order to effectively realize its objectives, the Authority shall be charged and vested
3 with the following powers and functions:

- 4 a. To spearhead the coordination of inter-agency activities within its
5 jurisdiction in the implementation of the Cagayan River Basin Master Plan
6 (CRBMP);
- 7 b. To prepare, review, evaluate, and update the CRBMP in the interest of the
8 Regional Development Plans of Region 2 and other area and sectoral plans
9 as basis for proposing improvements in existing policies governing the
10 protection, preservation, management and development of resources within
11 the basin through legislation or other appropriate executive measures. In
12 addition, the Cagayan River Basin Development Authority shall recommend
13 to the President and the Congress matters that may require executive
14 directives and congressional legislation in support of the objectives of the
15 CRBMP;
- 16 c. To coordinate the integration of all proposed plans, programs and projects
17 of the local government units, line agencies, public corporation and the
18 private sector where such plans, programs and/or projects that are related
19 to those of the Authority for the protection and rehabilitation and
20 sustainable development of the basin;
- 21 d. To initiate, receive and recommend project proposals for the development,
22 conservation and management of the basin's water resources;
- 23 e. To engage in agriculture, industry, commerce, or other activities within the
24 region which may be necessary or directly contributory to the socio-
25 economic development of the region, and for these purposes, whether by
26 itself or in cooperation with private persons or entities, to organize, finance,
27 invest in, and operate subsidiary corporations; Provided, That the Authority
28 shall engage only, unless public interest requires otherwise in those
29 activities that are in the nature of new ventures or are clearly beyond the
30 scope, capacity, or interest of private enterprises due to consideration of
31 geography, technical or capital requirements, returns on investment, and
32 risk;

- 1 f. To establish a functional basin information and database system, utilizing
2 computer-generated planning tools for use by planners, technical personnel
3 and the general public in collaboration with other information systems in
4 order to encourage the mutually beneficial sharing of data;
- 5 g. To provide the machinery for extending the necessary assistance and
6 seeking the same to local government units, line agencies, public
7 corporations, the private sector, and affected indigenous cultural
8 communities/indigenous peoples in planning for the development projects
9 that have an overall impact upon the utilization of resources within the
10 Cagayan River Basin;
- 11 h. To provide the machinery for extending the necessary technical assistance
12 for the maintenance, repair and rehabilitation, as may be necessary, of
13 Micro-Hydro System located within the area including the resolution of
14 problems on siltation and flooding;
- 15 i. To coordinate and monitor all planning, studies, design and implementation
16 of various programs and projects for the development of the CRBMP to
17 ensure that water and other resources in the river are not depleted and are
18 developed and utilized in sustainable, equitable and economical manner;
- 19 j. To commission or undertake integrated studies, scientific researches,
20 surveys and other such undertakings to determine such appropriate
21 measures to carry out the development of the River Basin and to generate
22 inputs in support to policy decisions;
- 23 k. To coordinate with existing government agencies in establishing water
24 quality standards for industrial, agricultural and municipal waste discharge
25 into the river and to cooperate with said existing agencies in enforcing such
26 standards;
- 27 l. To undertake on improvement and maintenance of the desirable water
28 quality and in pursuance, thereof, prepare a water quality management
29 program on a continuing basis in coordination with relevant agencies, which
30 the Authority shall carry out with the assistance and support of all national
31 and local government units involved in water quality management;

- 1 m. To provide assistance in arbitrating the resolution of inter-regional
2 disputes/conflicts on water;
- 3 n. To call upon any government agency, office or bureau for assistance in the
4 discharge of and form committees to facilitate the performance of its
5 functions and responsibilities. Likewise, the Authority is hereby empowered
6 to impose sanctions on individuals and/or entities within its territorial
7 jurisdiction who implement projects that are not environmentally friendly;
- 8 o. To receive grants, donations, and other forms of development assistance in
9 the discharge of its duties. As such, the Authority may engage or invest on,
10 or enter into joint venture with Filipino or foreign investors in such projects
11 within its jurisdiction as it may deem proper and necessary or contributory
12 to the achievement and/or implementation of any or all of the purposes and
13 objectives of this Act;
- 14 p. To plan, program and/or undertake infrastructure projects such as river,
15 flood, water and sewerage works, water supply, roads, irrigation, housing
16 and related works when so required within the context of its development
17 plans and programs including readjustment, relocation, or settlement of
18 population within the Basin, as may be necessary and beneficial by the
19 Authority; and
- 20 q. To do any and all acts and to exercise all powers which may be necessary,
21 proper or incidental to the accomplishment of the mandate, purposes, and
22 objectives of this Act.

23 *Sec. 8: The Corporate Powers of the Authority.* – The Authority shall have the
24 following corporate powers:

- 25 a. To succeed on its corporate name;
- 26 b. To sue and be sued in such corporate name;
- 27 c. To adopt, alter and use a corporate seal;
- 28 d. To adopt, amend and repeal its by-laws;
- 29 e. To undertake activities that will justifiably explore, exploit, extract and
30 develop the economic potentials of the Cagayan River Basin in ways that
31 are environmentally friendly and non-competitive with the private sector;

- 1 f. To enter into contracts of any kind and description, to enable it to carry out
2 its purpose and function under this Act;
- 3 g. To acquire, buy, purchase, hold or lease, such personal and real property
4 as it deems it necessary or convenient in the transaction of its business
5 and/or in relation to carrying out its purposes under this Act; and to lease,
6 mortgage, sell, alienate or otherwise encumber, utilize, exploit, or dispose
7 such personal and real property held by it, subject to prior or existing
8 individual or communal right or private parties or of the government or any
9 agency or enterprise thereof;
- 10 h. To exercise the right of eminent domain wherever the Authority deems it
11 necessary for the attainment of the objectives of the Authority under this
12 Act;
- 13 i. To borrow funds from any local or foreign financial institution to carry out
14 the purposes of this Authority under this Act;
- 15 j. To issue rules and regulations as may be necessary to effectively carry out
16 the powers and the purposes herein provided including plans, programs and
17 projects of the Authority; subject to the approval of the Office of the
18 President/or agencies supervising government corporations; and
- 19 k. For carrying on its business, or for the purpose of attaining or furthering
20 any of its objectives, to perform any and all acts which a corporation, co-
21 partnership or natural person is authorized to perform under the laws now
22 existing or which may be enacted hereafter.

23 **Sec. 9. *Organizational Structure.*** – The Authority shall have a Board of Directors
24 and it shall be supported by a fully-staffed Management Office.

25 **Sec. 10. *Board of Directors.*** – The affairs and business of the Authority shall be
26 directed and its properties managed and preserved by a Board of Directors to be
27 composed of the following:

- 28 a. One (1) representative from the Office of the President;
- 29 b. Regional Directors of the National Economic and Development Authority
30 (NEDA) of Region II (Cagayan Valley) and Cordillera Administrative Region
31 (CAR);

- c. Regional Director of the Department of Environment and Natural Resources (DENR) of Region II and CAR; and the Regional Technical Directors of the Mines and Geo-Sciences Bureau and the Environmental Management Bureau;
- d. Regional Director of the National Irrigation Administration of Region II;
- e. Regional Director of the Department of Agriculture of Region II and CAR;
- f. Regional Director of the Department of Public Works and Highways (DPWH) of Region II;
- g. Executive Director of the National Water Resources Board;
- h. The Governors of the Provinces of Quirino, Nueva Vizcaya, Isabela, Cagayan, Ifugao, Apayao, Kalinga, Mountain Province and Aurora;
- i. Representative of the private investors;
- j. Representative of non-government organizations/people's organizations which champion environmental protection and sustainable development;

Sec. 11. *Honorarium and other Financial Remunerations of the Board.* – The member of the Board shall receive honorarium and per diems for every Meeting actually attended by every member and a monthly allowance to be determined by the Board; Provided, That in no case shall the amount received by each member exceed the sum of Five Thousand Pesos (P5,000.00) per month. A member of the Board shall be reimbursed by the Authority for actual expenses, including travelling and representation expenses, incurred in the performance of their duties for the Authority as authorized by the Board.

Sec. 12. *Powers and Functions of the Board.* – The Board of Directors of the Authority shall have the following powers, functions and duties:

- a. To prepare and approve development plans in the short, medium and long term, review and expedite the execution of such when necessary;
- b. To approve and execute specific policies and programs for the collection of permit fees and other fees for the establishment of tourism infrastructures and to treat these funds as trust funds which would be plowed back to the infrastructure and development needs of the Cagayan River Basin;
- c. To prepare, approve and promulgate guidelines, standards, rules and regulations in order to encourage, and stimulate the growth and

- 1 development of commerce, trade, tourism and infrastructure development
2 within the area of operation of the Authority;
- 3 d. To review and approve all applications for any economic endeavor proposed
4 utilizing the resources of the Cagayan River Basin;
- 5 e. To approve contracts such as lease and memoranda of agreement that will
6 promote tourism and the growth of business and industry in the Cagayan
7 River Basin;
- 8 f. To receive local or foreign aid and donations as well as engage in any form
9 of fund raising for the purpose of gathering development funds for the
10 projects along Cagayan River Basin;
- 11 g. To approve a lean and efficient organization structure, and budget for the
12 Authority after consultation with the relevant sectors, agencies, institutions,
13 and entities;
- 14 h. To appoint and discipline any employee, after according him due process in
15 accordance with existing laws, together with rules and regulations of the
16 Civil Service Commission (CSC);
- 17 i. To elect from among the members of the Board of Directors the following
18 executive offices:
- 19 1. President/Chairman of the Board;
20 2. Vice President/Vice-Chairman of the Board;
21 3. Secretary;
- 22 Provided, That the Board shall likewise have the corresponding power to
23 replace any of these officials after having incurred three (3) consecutive
24 absences in the meeting of the Board or for acts prejudicial to the
25 objectives of the Authority;
- 26 j. To screen and approve the appointment of the following: General Manager,
27 Assistant General Manager, Treasurer, Administrative Officer, Planning and
28 Development Officer, Budget and Finance Officer, Legal Officer, Project
29 Management Officer, and Engineering and Construction Officer;
- 30 k. To request periodic or special audit of all its funds and properties from the
31 Commission on Audit when the need arises;

- 1 l. To adopt a seal and flag, determine the exact location of its office preferably
2 near its area of operation, and adopt its own rules and proceeding in
3 meetings and general assemblies in accordance with the standards of
4 transparency and parliamentary procedures; and
5 m. To exercise such powers and perform such functions which are proper and
6 necessary to implement the objectives of the Authority and to carry out the
7 provisions of this Act.

8 **Sec. 13. *Term of Office of the General Manager.*** – The General Manager of the
9 Authority shall serve for a fixed term of four (4) years, unless removed from office by
10 a vote of two-thirds of the Board of Directors.

11 **Sec. 14. *Residence and Prohibition.*** – The General Manager shall, if practicable,
12 establish his residence within the nearest where the Cagayan River Basin Authority's
13 Principal Office is established. The General Manager shall not during his tenure of
14 office, engage in any business, profession, or calling other than those connected with
15 the performance of his official duties as the General Manager of the Authority.

16 **Section 15. *Power and Duties of the General Manager.*** – The General Manager
17 shall have the following powers and functions:

- 18 a. Submit for consideration of the Board, the policies and measures necessary
19 to carry out the purposed and provisions of this Act;
20 b. Execute and administer the policies, plans, programs and projects approved
21 by the Board;
22 c. Direct and supervise the operation and internal administration of the
23 Authority. The General Manager may delegate some of his administrative
24 responsibilities to other officers of the Authority subject to the rules and
25 regulations of the Board;
26 d. Prepare the annual budget of the Authority for consideration of the Board;
27 e. Submit within thirty (30) days after the close of each fiscal year, an annual
28 report to the Board and such other reports as may be required;
29 f. Exercise such other powers as may be vested in him by the Board;
30 g. Effect the arrest of any person who violates the provisions of this Act,
31 subject to Article 125 and 126 of the Revised Penal Code and the
32 requirements of due process.

1 **Sec. 16. Key Officials.** – In carrying out the activities of the Authority, the
2 General Manager shall be assisted by the Assistant General Manager who shall have
3 powers, duties and functions that may be delegated to him by the General Manager,
4 and shall act as General Manager in the absence of or during the temporary incapacity
5 and/or until such time as a General Manager is duly appointed.

6 The Authority shall have the following officers under the direct supervision and
7 control of the General Manager:

- 8 a. An Administrative Officer who shall be responsible for providing services
9 relating to personnel, training, information, records, supplies, general
10 services, equipment and security;
- 11 b. A Planning and Development Officer who shall be responsible for providing
12 services relating to planning, programming, statistics and project
13 development;
- 14 c. A Budget and Finance Officer who shall be responsible providing staff advice
15 and assistance on budgetary matters and safekeeping of corporate assets;
- 16 d. A Legal Officer who shall represent the Authority in legal actions and
17 proceedings. The Legal Officer shall be responsible for staff advice and
18 assistance on legal matters;
- 19 e. A Project Management Officer who shall be responsible for the operation
20 of approved projects including livelihood projects, project evaluation and
21 management improvement matters;
- 22 f. An Engineering and Construction Officer who shall be responsible for
23 providing services related to detailed engineering plans and construction
24 and maintenance of project facilities;

25 **Sec. 17. Funding.** - The Authority's funding for its operations shall be born from
26 appropriations for the Authority in the General Appropriations Act under the budget
27 for the Office of the President.

28 **Sec. 18. Authority Directly Under the Department of the Environment and**
29 **Natural Resources (DENR).** – The Authority shall operate as an independent institution
30 subject only to the administrative supervision of the Department of Environment and
31 Natural Resources (DENR).

1 **Sec. 19. *Audit by the Commission on Audit (COA).*** – All accounts and expenses
2 of the Authority shall be audited by the Commission on Audit or its duly authorized
3 representative.

4 **Sec. 20. *Prohibited Acts.*** – The following acts are hereby declared unlawful:

- 5 a. To dump solid and hazardous waste and untreated sewage into the Cagayan
6 River Basin;
- 7 b. To dump or throw garbage into the Cagayan River or on its banks;
- 8 c. To squat on or appropriate portion of the banks of the aforesaid river basin
9 for private use or gain, except for such reasonable augment of public use in
10 the interest of recreation, navigation, and fishing; and
- 11 d. To fence off and/or encroach upon the said Cagayan River Basin or any
12 portion thereof by any means whatsoever, and converting the same into
13 fish pens for their private and material gain; and/or have the same titled in
14 his name.

15 **Sec. 21. *Penal and Civil Liability Clause.*** – Any person, natural or juridical, who
16 shall violate any of the provisions of this Act or any rules or regulation promulgated
17 by the Authority pursuant thereto shall be liable to imprisonment of not exceeding
18 three (3) years or a fine of not less than Ten Thousand Pesos (P10,000.00) but not
19 exceeding One Hundred Thousand Pesos (P100,000.00) or both at the discretion of
20 the court.

21 If the violator is a corporation, partnership or association, the officers of the
22 organization concerned shall be liable thereof.

23 The authority is hereby authorized to pursue separate civil actions for damages
24 resulting from infractions of the provisions of this Act, rules or regulations issued
25 pursuant thereto and/or conditions in the clearances or permit issued by the Authority.

26 **Sec. 22. *Bar of Suit.*** – During the pendency of any legal action before the
27 Authority, no court other than the Supreme Court shall take cognizance of any case
28 touching the same subject without leave of Authority.

29 **Sec. 23. *Finality of Orders and Appeals.*** – The orders of the Authority shall
30 become final and executory after the lapse of fifteen (15) days from the date of receipt
31 thereof. An appeal there from can be taken within fifteen (15) days period only to the
32 Supreme Court.

1 **Sec. 24. *Transitory Provisions.*** – All concerned offices, bureaus, agencies,
2 having existing programs and projects in the Cagayan River Basin that directly
3 correspond with the power and functions of the Authority shall relinquish all
4 appropriations, funds, records, equipment, facilities, rights, other assets and personnel
5 to the Authority within sixty (60) days after the effectivity of this Act.

6 **Sec. 25 *Separability Clause.*** – If any provision or part hereof is held invalid or
7 unconstitutional, the remainder of the law or the provision or part not otherwise
8 affected shall remain valid and subsisting.

9 **Sec. 26. *Repealing Clause.*** – Any law, presidential decree or issuance, executive
10 order, letter of instruction, administrative order, rule, or regulation contrary to or
11 inconsistent with the provisions of this Act are hereby repealed, modified, or amended
12 accordingly.

13 **Sec. 27. *Effectivity.*** – This Act shall take effect fifteen (15) days after its
14 publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,