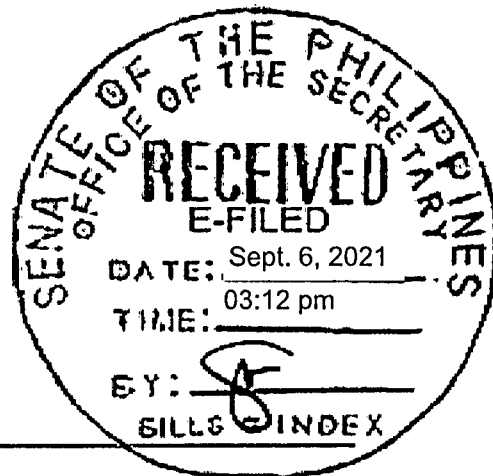


EIGHTEENTH CONGRESS OF THE )  
REPUBLIC OF THE PHILIPPINES )  
Third Regular Session )



SENATE

S.B. No. 2385

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Introduced by **SENATOR IMEE R. MARCOS**

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**AN ACT CREATING THE ABRA RIVER BASIN DEVELOPMENT AUTHORITY,  
PRESCRIBING ITS POWERS AND FUNCTIONS AND APPROPRIATING  
FUNDS THEREFOR**

**EXPLANATORY NOTE**

Section 1, Article XII of the 1987 Constitution provides that, *"The goals of the national economy are a more equitable distribution of opportunities, income, and wealth; a sustained increase in the amount of goods and services produced by the nation for the benefit of the people; and an expanding productivity as the key to raising the quality of life for all, especially the underprivileged."*

Section 1(3) of the same article further provides that *"In the pursuit of these goals, all sectors of the economy and all regions of the country shall be given optimum opportunity to develop. Private enterprises, including corporations, cooperatives, and similar collective organizations, shall be encouraged to broaden the base of their ownership."*

The International Encyclopedia of Human Geography states that river basin development in the early and mid-twentieth century was underpinned by an unquestioned faith in the ability and right of humankind to control and alter nature for its own benefit. Power over a river basin ecosystem was associated with human progress and celebrated as a symbol of national development.

According to the Department of Environment and Natural Resources (DENR), the River Basin Control Office (RBCO) identified 18 major river basins located all over the country which have become the lifeblood and driver of Philippine economy in many parts of the country. Among these major river basins is the Abra River Basin.

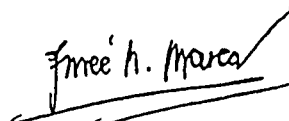
The Abra River Basin is the 6th largest basin in the Philippines with an estimated drainage area of 5,125 km<sup>2</sup> and the main river has a length of about 198 km. The river basin covers the provinces of Abra, Ilocos Sur, Mountain Province and Benguet.

The Abra River System is one of the longest rivers in Northern Luzon and serves as a primary source of economic and social benefits. However, due to insurmountable human activities conducted within the premises of the river, together with population growth, urbanization, and technology advancement, the sustaining capacity of the river nowadays had been under stressful conditions. As such, it is but fitting for the government to step up to the mandate of the Constitution and sustain, preserve and conserve the Abra River Basin in order to enable both the present and future generations to benefit economically and socially.

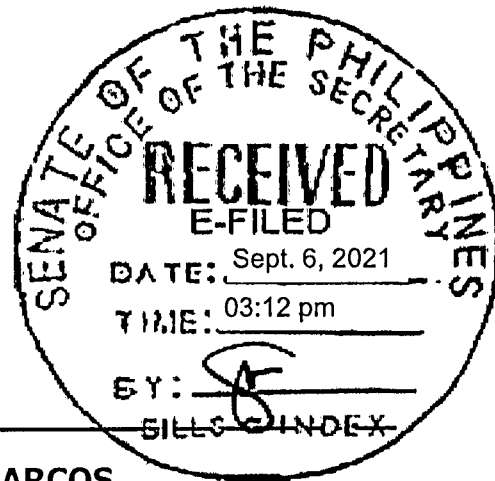
This bill seeks to regulate commercial and residential activities affecting the Abra River and ensure that the discharges do not exceed the allowable established limits for the river's natural waste assimilation capacity. This bill also includes the participation of the private sector as members of the board of directors.

The bill provides for the long-term Abra River Rehabilitation Roadmap and Master Plan which aims to ensure that the people are well guided in all sorts of developments while still maintaining the livability of the nearby communities.

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

  
**IMEE R. MARCOS**

EIGHTEENTH CONGRESS OF THE )  
REPUBLIC OF THE PHILIPPINES )  
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SENATE

S.B. No. 2385

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Introduced by **SENATOR IMEE R. MARCOS**

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**AN ACT CREATING THE ABRA RIVER BASIN DEVELOPMENT AUTHORITY,  
PRESCRIBING ITS POWERS AND FUNCTIONS AND APPROPRIATING  
FUNDS THEREFOR**

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

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

3           **SEC. 2. Declaration of Principles and Policies.** – It is the policy of the State to  
4 protect and advance the right of the people to a balanced and healthful ecology in  
5 accord with the rhythm and harmony of nature. Toward this end, the State shall  
6 pursue a policy of sustainable economic growth in a manner consistent with the  
7 protection, preservation and revival of the quality of our river systems.

8           Toward this end, the State shall pursue a policy of sustainable economic growth  
9 in a manner consistent with protection, preservation and revival of our river systems  
10 including the Abra River. It shall likewise ensure the implementation, management  
11 and oversight of the adoption of necessary measures and programs on flood control  
12 and drainage system in all the river systems connected to the Abra River Basin System  
13 to eliminate the adverse effects of typhoons and floods during rainy season and  
14 protect its ecology from pollution caused by mining and various industrial activities in  
15 the area.

16           **SEC. 3. Definition of Terms.** – As used in this Act:

- 17           (a) *Discharge* includes the act of spilling, leaking, pumping, pouring,  
18 emitting, emptying, releasing or dumping of any material into a water  
19 body or onto land from which it might flow or drain into the water;
- 20           (b) *Effluent* refers to sewage passed into a body of water or land or industrial  
21 waste or wastewater flowing out of a manufacturing plant, industrial

1 plant and domestic household including commercial and recreational  
2 facilities;

3 (c) *Geographic Information System (GIS) Mapping* refers to computerized  
4 data management system to capture, store, manage, retrieve, analyze,  
5 and display spatial information in which data are geo-referenced to the  
6 coordinates of a particular projection system which allows precise  
7 placement of features on the earth's surface and maintains the spatial  
8 relationships between mapped features such as slope, soils,  
9 hydrography, bathymetry, demography, wetlands and land use which  
10 can be combined to develop maps suitable for regulatory and planning  
11 decisions;

12 (d) *Hazardous waste* refers to solid waste or combination of solid waste  
13 which, because of its quantity, concentration, or physical, chemical or  
14 infectious characteristic, may cause or significantly contribute to an  
15 increase in mortality or an increase in serious irreversible or  
16 incapacitating illness, or pose a substantial present or potential hazard  
17 to human health or the environment when improperly treated, stored,  
18 transported or disposed of or otherwise managed; and

19 (e) *Land swapping* refers to the process of land acquisition by exchanging  
20 land for another piece of land of equal value or for shares of stock in a  
21 government or quasi-government corporation whose book value is of  
22 equal value to the land being exchanged, for the purpose of planned and  
23 rational development such as provision for wastewater treatment  
24 facilities and socialized housing where land values are determined based  
25 on land classification, market value and assessed value taken from  
26 existing tax declarations and wherein valuable lands owned by private  
27 persons may be exchanged with less valuable lands.

28 **SEC. 4. *Abra River basin Development Authority.*** – There shall be created under  
29 the Office of the President, an independent regulatory body possessing corporate  
30 attributes with quasi-judicial and quasi-legislative powers to be known as the Abra  
31 River Basin Development Authority, hereinafter referred to as the "Authority." The  
32 Authority shall be the primary government agency that shall coordinate, plan, manage  
33 and implement the development programs and resource utilization in the Abra River  
34 Basin System. The Authority shall execute the powers and functions vested and  
35 conferred by this Act.

36 The Abra River Basin System consists of all barangays located along the Abra  
37 River, Tineg River and its tributaries and areas adjacent to them in the Provinces of  
38 Abra, Benguet and Ilocos Sur that drain to or branch out from the Abra River and the  
39 industrial, commercial, business, residential, recreational and other private and public

1 areas contiguous to the environmental preservation areas, as may be determined by  
2 the Authority.

3 **SEC. 5. General Policies.** – In the exercise of its powers and duties, the Authority  
4 shall be guided by the following policies:

- 5 (a) The rehabilitation and sustainable development of the Abra River Basin  
6 System shall be given due importance to preserve, protect and develop  
7 Abra River's ecological balance;
- 8 (b) The preparation, development and implementation of a comprehensive  
9 and detailed 25-year Abra River Rehabilitation Roadmap and Master Plan  
10 based on the framework of sustainable water management shall be  
11 prioritized in consultation and coordination with the local government  
12 units (LGUs), Department of Environment and Natural Resources  
13 (DENR), Department of Interior and Local Government (DILG),  
14 Department of Public Works and Highways (DPWH), National Economic  
15 Development Authority (NEDA) and other appropriate government  
16 agencies and stakeholders;
- 17 (c) Consistent with the 25-year Abra River Rehabilitation Roadmap and  
18 Master Plan, the implementation of short and medium-term programs,  
19 activities and projects to attain the objectives of this Act shall be  
20 prioritized, which is, among others, to transform and upgrade the water  
21 quality of the Abra River Basin System to Class B water quality  
22 classification;
- 23 (d) Mining laws and regulations, including Republic Act No. 7492, otherwise  
24 known as the "Philippine Mining Act of 1995" and Executive Order No.  
25 79, Series of 2012, among others, shall be implemented to regulate  
26 commercial, industrial and similar activities in areas along Abra River and  
27 its major tributaries;
- 28 (e) Participation and role of the LGUs specifically the barangays in the  
29 implementation and enforcement of existing environmental laws such as  
30 Republic Act No. 9275, otherwise known as the "Clean Water Act of  
31 2004" and Republic Act No. 9003, otherwise known as the "Ecological  
32 Solid Waste Management Act of 2000," shall be strengthened to renew  
33 the ecology of the Abra River;
- 34 (f) Participation of the private sector and civil society organizations in  
35 transforming the Abra River Basin System into a conducive environment  
36 for recreation, business and other productive uses shall be encouraged  
37 through private sector-driven and cleaner technology-based investments  
38 in ecosystem development;

- 1 (g) Planning, programming, social preparation and adjustment, relocation or  
2 resettlement of the population from the declared environmental  
3 preservation areas (KPAs) of the Abra River Basin System shall be  
4 implemented in coordination with appropriate government agencies and  
5 LGUs to ensure that relocation and resettlement areas have permanent  
6 access to adequate basic social services and livelihood opportunities; and
- 7 (h) Massive information and education campaign shall be conducted to  
8 amplify stakeholder awareness and voluntary participation on the  
9 importance of environmental restoration, rehabilitation, protection and  
10 conservation of the Abra River Basin System in close coordination with  
11 LGUs and other government agencies.

12 **SEC. 6. Powers and Functions.** – The Authority shall exercise the following  
13 powers and functions:

- 14 (a) Work closely with the DENR, DPWH, National Irrigation Administration  
15 (NIA), Department of Agriculture (DA), and the Provincial Government  
16 of Abra to ensure the provision for adequate, dependable and reliable  
17 wastewater treatment facilities and sewerage systems in all their  
18 authorized service areas, particularly, in the unserved and under-served  
19 communities and barangays within the Abra River Basin system;
- 20 (b) Periodically conduct comprehensive scientific surveys, studies, field  
21 sampling and laboratory testing, and GIS-mapping of the Abra River  
22 Basin System, in coordination with the Department of Science and  
23 Technology (DOST), DENR-Environmental Management Bureau (EMB),  
24 and National Mapping and Resource information Authority (NAMRIA) to  
25 monitor, evaluate, update and analyze among others, the physical,  
26 biological, chemical, hydrologic, bathymetric and hydrographic  
27 characteristics including socio-economic profile of the stakeholders,  
28 trade, industrial and commercial profile, status of the national  
29 government agency and LGU programs and projects, biometric tagging  
30 and identification of informal settlers, parcellary land use and zoning  
31 aspects, mapping of critical effluent discharge areas, and transportation  
32 and navigation attributes, historical and tourism elements;
- 33 (c) Engage the services of the private sector through the Public-Private  
34 Partnership (PPP) process or through the Built Operate and Transfer  
35 (BOT) Scheme under Republic Act No. 6957, entitled "An Act Authorizing  
36 the Financing Construction, Operation and Maintenance of Infrastructure  
37 Project by the Private Sector, and For Other Purposes," or other  
38 acceptable forms of partnership and agreements in establishing its own  
39 water quality laboratory, environmental, biological and microbiological  
40 laboratory, GIS-mapping system, surveillance, monitoring and

1 enforcement system through high-definition closed circuit televisions or  
2 other surveillance and monitoring technologies and new technologies on  
3 highly-specialized fields including sewerage and sewage treatment  
4 systems which require the expertise and investment of the private  
5 sector;

- 6 (d) Engage in land swapping in securing relocation and resettlement areas,  
7 and in sludge or contaminated sediment disposal and treatment sites  
8 whenever necessary, whether by itself or in cooperation with private  
9 persons or entities, enter into other acceptable exchange agreements  
10 related to social and ecological development projects;
- 11 (e) Engage in experimental community-based integrated wastewater  
12 management technologies and strategies including the collection and  
13 disposal system, sewage and septage treatment, collection and disposal  
14 of floating garbage, solid waste by-products, sludge or contaminated  
15 sediments;
- 16 (f) Identify, secure and possess near-site or on-site development areas for  
17 low-cost and socialized mass housing of qualified informal settler  
18 families;
- 19 (g) Clear and dismantle all illegal structures, in coordination with the local  
20 government units, DILG and Philippine National Police (PNP), and ensure  
21 that the easements provided for in this Act and other related laws are  
22 enforced, especially in all the esteros and waterways that drain into and  
23 branch-out of the Abra River;
- 24 (h) Formulate and implement the comprehensive Abra River Rehabilitation  
25 Roadmap and Master Plan with the help of the NEDA and other agencies  
26 or entities;
- 27 (i) Review all plans, projects and programs on the Abra River Basin System  
28 and the expansions thereto including those submitted by LGUs, public  
29 corporations, public utility franchisees, concessionaires, private persons  
30 or corporations that relate to the development of the Abra River Basin  
31 System to ensure that they conform to environmental standards  
32 prescribed by the Authority and other environmental laws;
- 33 (j) Through proper coordination with the DPWH and other appropriate  
34 government agencies, implement infrastructure projects such as flood  
35 control, solid waste management, wastewater and sewerage, water  
36 supply, access roads, access ports, housing, leisure parks and related  
37 works within the context of its master plan including the readjustment,  
38 relocation or resettlement of population within the Abra River Basin  
39 System that may be deemed necessary and beneficial in pursuit of its

1 mandate. In case any of these projects is financed wholly or in part by  
2 the Authority, it shall have authority to collect fees and tolls from users  
3 or beneficiaries to recover costs of construction and maintenance of the  
4 projects. Infrastructure projects which are in the nature of social  
5 overhead capital projects shall be entitled to receive the corresponding  
6 financial assistance from the government;

- 7 (k) Implement, in coordination with the Philippine Reclamation Authority  
8 and the LGUs, dredging or reclamation projects;
- 9 (l) Conduct, in close coordination with the DENR, DOST, the academe and  
10 other private and public research institutions, continuing research and  
11 development programs on water quality management technologies,  
12 integrated water resource management models and techniques, and  
13 appropriate wastewater technologies, with the end view of promoting  
14 sustainable development;
- 15 (m) Without prejudice to existing environmental laws, establish and enforce  
16 anti-pollution standards and water quality guidelines on domestic,  
17 municipal, commercial and industrial wastewater and effluents being  
18 discharged into the river system;
- 19 (n) Adopt rules and regulations governing the approval of sewage works and  
20 industrial waste treatment and disposal systems and the issuance of  
21 clearances or permits in accordance with the provisions of this Act and  
22 inspect the construction and maintenance of sewerage works and  
23 industrial waste treatment and disposal systems in compliance with  
24 clearance or permit conditions;
- 25 (o) Require all projects or activities affecting the Abra River Basin System to  
26 secure environmental compliance certificates (ECCs) required under  
27 Presidential Decree No. 1586 and grant clearances and permits for  
28 projects and activities within or affecting the Abra River Basin System  
29 including industrial and commercial activities, recreation and tourism,  
30 navigation, housing and other forms of land developments, construction  
31 and operation and impose necessary safeguards, management and  
32 control of wastewater and collect necessary fees for such activities and  
33 projects;
- 34 (p) Issue, renew or cancel permits, subject to reasonable guidelines, for the  
35 discharge of sewage, septage, industrial waste and installation or  
36 operation of sewerage works and industrial disposal systems or parts  
37 thereof, for the prevention and abatement of pollution;
- 38 (q) Require mining companies within the territorial jurisdiction of the  
39 Authority to utilize allowable mining wastewater treatment systems,



1 technologies on treatment of contaminated fresh surface waters,  
2 practice onsite reduction of metals, and control, contain and manage  
3 mine tailings that, as much as possible, must not be discharged to the  
4 Abra River or any of its tributaries;

- 5 (r) Require subdivisions, condominiums, clinical and medical  
6 establishments, mortuaries, car and motor repair shops, private and  
7 public markets, abattoirs, private and public buildings and other similar  
8 structures within the Abra River Basin System to construct and provide  
9 appropriate individual and decentralized wastewater and sanitary  
10 treatment plants, or centralized sewerage systems and sewage  
11 treatment facilities. The Authority shall impose reasonable fees and other  
12 similar charges for the issuance or renewal of all the required permits;
- 13 (s) Impose annual fees or levies in the form of local tax on all industrial and  
14 commercial users of the Abra River and its tributaries as well as the  
15 esteros branching from and draining into the Abra River;
- 16 (t) Issue, after due notice and hearing, orders or decisions to compel  
17 compliance with the provisions of this Act and its implementing rules and  
18 regulations;
- 19 (u) Issue, alter or modify, after due notice and hearing, orders decisions  
20 requiring the discontinuance of pollution specifying the conditions and  
21 the time within which such discontinuance must be accomplished;
- 22 (v) Revoke, suspend or modify, after due notice and hearing, any clearance  
23 or instrumentalities for the purpose of enforcing the provisions of this  
24 Act and its implementing rules and regulations;
- 25 (w) Deputize or request the assistance of appropriate government agencies  
26 or instrumentalities for the purpose of enforcing the provisions of this  
27 Act and its implementing rules and regulations and the orders and  
28 decisions of the Authority;
- 29 (x) Enter, inspect or investigate at all reasonable times any public and  
30 private property devoted to commercial and industrial use within the  
31 Abra River Basin System, on any matter relating to pollution and existing  
32 or imminent environmental hazard and danger;
- 33 (y) Fix, impose, collect, periodically review and adjust reasonable fees and  
34 other related charges for services rendered in the performance of its  
35 mandate; and
- 36 (z) Exercise powers and perform other functions as may be necessary to  
37 carry out its duties and responsibilities under this Act.
- 38

1           **SEC. 7. Corporate Powers.** – The Authority shall exercise the following corporate  
2 powers:

- 3           (a) Succeed in its corporate name;
- 4           (b) Sue and be sued in its corporate name;
- 5           (c) Adopt, alter and use a corporate seal;
- 6           (d) Adopt, amend or repeal its by-laws;
- 7           (e) Enter into, make, perform and carry out contracts of any class, kind and  
8 description with any person, firm or corporation, private or public and  
9 with foreign government entities which are necessary or incidental to the  
10 realization of its purpose;
- 11          (f) Acquire, buy, purchase, hold or lease such personal and real property as  
12 it deems necessary or convenient in the transaction of its business or to  
13 lease, mortgage, sell, alienate or otherwise encumber, utilize, exploit or  
14 dispose of any such personal and real property held by it, subject to prior  
15 or existing individual or communal right of private parties or of the  
16 government or any agency or enterprise thereof. No real property within  
17 the Abra River Basin System shall be sold or disposed of without the  
18 approval of the President of the Philippines;
- 19          (g) Receive and utilize donations, grants, bequeaths and assistance of all  
20 kinds from local and foreign governments and private sectors;
- 21          (h) Exercise the right of eminent domain whenever the Authority deems it  
22 necessary to carry out the objectives under this Act;
- 23          (i) Borrow funds from any local or foreign sources independent of the bonds  
24 it may issue to carry out the purposes of this Act;
- 25          (j) Purchase, hold, alienate, mortgage, pledge or otherwise dispose of the  
26 shares of the capital stock of or any bond, securities or other evidence  
27 of indebtedness created by any other corporation, co-partnership or  
28 government agencies or instrumentalities. The Authority shall not invest  
29 its funds in any high risk instruments or in any highly speculative stocks  
30 issued without recourse to commercial banks or investment houses;
- 31          (k) Perform any acts which a corporation or a juridical person is authorized  
32 to perform under the existing laws;
- 33          (l) Provide incentives to encourage the private sector to fully subscribe to  
34 its shares of stock; and
- 35          (m) Issue such other rules and regulations as may be deemed necessary to  
36 carry out the purposes of this Act.

1           **SEC. 8. Board of Directors.** – The corporate powers of the Authority shall be  
2 vested in and exercised by a Board of Directors, hereinafter referred to as the Board,  
3 which shall be composed of the following:

- 4           (a) General manager of the Authority, as chairperson;
- 5           (b) Secretary of the DENR, as ex-officio vice-chairperson;
- 6           (c) Secretary of the DPWH, as ex-officio member;
- 7           (d) Secretary of the DILG, as ex-officio member;
- 8           (e) A representative from the Office of the Governor of the Province of Abra;  
9           and
- 10          (f) Two (2) representatives from the private sector who are shareholders or  
11          stakeholders in the Abra River, as members.

12           The ex-officio members of the Board may designate the officer next in rank as a  
13 permanent alternate representative to the Board.

14           The appointment and qualification of the members of the Board shall be in  
15 accordance with the provisions of Republic Act No. 10149, otherwise known as the  
16 "GOCC Governance Act of 2011." The Governance Commission for Government-  
17 Owned or-Controlled Corporations shall give utmost consideration to the nominees  
18 recommended by the general manager. The general manager shall recommend at  
19 least three (3) names for every vacant position.

20           **SEC. 9. Powers and Functions.** – The Board shall exercise the following powers  
21 and functions:

- 22           (a) Provide a comprehensive policy guidance for the rehabilitation and  
23           development of the Abra River Basin System;
- 24           (b) Prescribe and promulgate policies, rules and regulations to govern the  
25           conduct of business of the Authority and ensure that the Authority  
26           performs its functions in a proper, efficient and effective manner;
- 27           (c) Decide the objectives, strategies and policies of the Authority in  
28           accordance with the provisions of this Act;
- 29           (d) Exercise appellate powers on the decision of the general manager;
- 30           (e) Issue subpoena ad testificandum or subpoena duces tecum requiring the  
31           attendance and testimony of witnesses in any matter or inquiry pending  
32           before the Board and requiring the production of books, papers,  
33           contracts, agreements and all other documents;
- 34           (f) Exercise appellate powers to order the taking of depositions at any stage  
35           of any proceeding or investigation pending before the Board;
- 36           (g) Approve the organizational and administrative structures and the  
37           corresponding staffing pattern of the Authority; fix their reasonable  
38           compensation, allowances and other benefits in accordance with the

1 Salary Standardization Law; prescribe their duties and establish such  
2 methods and procedures as may be necessary to ensure the efficient,  
3 honest and economical administration of the provisions and purposes of  
4 this Act: *Provided*, That all personnel of the Authority below the rank of  
5 the general manager shall be appointed by the chairperson of the Board:  
6 *Provided*, further, That the personnel appointed by the general manager,  
7 except those below the rank of department heads, and others of  
8 comparable rank, shall be subject to the confirmation of the Board:  
9 *Provided, finally*, That the personnel of the Authority shall be selected  
10 only from those with civil service eligibility and shall be subject to civil  
11 service laws, rules and regulations;

12 (h) Approve the annual and supplemental budgets of the Authority and  
13 authorize each operating and capital expenditures and disbursements as  
14 may be necessary for the effective management, operation and  
15 administration of the Authority;

16 (i) Create and organize ad-hoc technical working groups composed of  
17 representatives from the government and other stakeholders to assist  
18 the Board; and

19 (j) Perform such other functions as may be necessary to carry out the  
20 provisions of this Act.

21 **SEC. 10. Quorum.** – The presence of at least five (5) members of the Board shall  
22 constitute a quorum and the majority vote of at least four (4) members in a meeting  
23 where a quorum is present shall be necessary for the adoption of any rule, ruling,  
24 order, resolution, decision or other act of the Board in the exercise of its functions.

25 **SEC. 11. Board Meetings.** – The Board shall meet regularly once a month and  
26 may hold special meetings to consider urgent matters upon the call of the chairperson  
27 or upon the initiative of five (5) members. The rules and procedures in the conduct of  
28 Board meetings shall be prescribed by the Board.

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

32 **SEC. 13. General Manager.** – The Authority shall be headed by a general  
33 manager who shall be the chief executive officer and shall exercise the following  
34 powers and functions:

35 (a) Submit for consideration of the Board, the policies and measures that  
36 are necessary to carry out the purposes and objectives of this Act;

37 (b) Head and administer the Abra River Basin Adjudication Panel as the  
38 implementing arm for the quasi-judicial powers of the Authority;

- 1 (c) Execute, administer and implement the policies, plans, programs and  
2 projects approved by the Board;
- 3 (d) Manage and supervise the operation and administration of the Authority;
- 4 (e) Appoint all officials and employees of the Authority below the rank of the  
5 executive director and remove, suspend or otherwise discipline the same  
6 for cause, in accordance with existing civil service laws, rules and  
7 regulations;
- 8 (f) Submit quarterly reports to the Board on personnel selection, placement  
9 and training;
- 10 (g) Render an annual report to the Board and various stakeholders regarding  
11 the operation of the Authority including its latest financial statements;
- 12 (h) Represent the Authority in all its dealings with offices, agencies, and  
13 instrumentalities of the government and with all persons and other  
14 entities, public or private, domestic and foreign; and
- 15 (i) Perform such other functions as may be provided in the by-laws and as  
16 may be vested by the Board.

17 The general manager shall be vested with the rights, privileges, disqualifications  
18 and prohibitions of a general manager as prescribed by existing Position Classification  
19 and Compensation Scheme, laws, issuances and pertinent civil service rules and  
20 regulations.

21 **SEC. 14. *Qualifications.*** – The general manager must be:

- 22 (a) A citizen and resident of the Philippines;
- 23 (b) At least thirty-five (35) years of age;
- 24 (c) With good moral character, unquestionable integrity and recognized  
25 competence; and
- 26 (d) A degree holder with at least five (5) years supervisory or management  
27 experience in the field of public administration, economic planning,  
28 environmental planning and natural resource management, or in the  
29 establishment and management of large agricultural, commercial or  
30 industrial enterprises or other related fields.

31 **SEC. 15. *Term of Office.*** – The general manager shall be appointed by the  
32 President of the Philippines and shall have a term of six (6) years which may be  
33 extended for another non-extendible term of two (2) years. The general manager shall  
34 only be removed for cause in accordance with the rules and regulations prescribed by  
35 the Civil Service Commission.

1           **SEC. 16. *Management Structure.*** – In carrying out the activities of the Authority,  
2 the general manager shall be assisted by an assistant general manager and four (4)  
3 department heads: one (1) for legal services, one (1) for administration and finance  
4 services, one (1) for technical services, and one (1) for social development and  
5 advocacy, who shall have such powers, duties and functions as the general manager  
6 may prescribe or delegate. The assistant general manager shall act as the general  
7 manager in the absence or during the temporary incapacity of the general manager  
8 or until such time that a new general manager has been duly appointed.

9           The Authority shall have the following departments under the direct supervision  
10 and control of the general manager:

- 11           (a) Enforcement and Legal Service Department which shall provide legal  
12 advice and support to all the corporate units on legal implications of the  
13 various undertakings of the Authority. It shall also provide professional  
14 assistance in the implementation of the quasi-judicial and regulatory  
15 functions of the Authority, which include enforcement of environmental  
16 protection, proper procedures on investigation, litigation, adjudication  
17 and voluntary arbitration. This department shall oversee and manage  
18 the operations of barangay waterways water quality surveillance,  
19 monitoring and enforcement units.
- 20           (b) Administrative and Finance Department which shall be responsible for  
21 providing services related to administrative support services such as  
22 consolidation of major final output, preparation of personnel evaluation  
23 system, human resource management, revenue planning, generation  
24 and enhancement, budget and financial matters, records management,  
25 safekeeping of financial assets, and general services.
- 26           (c) Technical and Environmental Management Services Department which  
27 shall serve as the main regulatory and technical arm of the authority and  
28 shall oversee the integration of the functions on river basin management  
29 and development, including the management and operations of the GIS-  
30 Mapping unit and laboratories. This department shall also be responsible  
31 for providing scientific studies, technical policy planning, research and  
32 development, and technology management services.
- 33           (d) Social Development and Advocacy Department which shall be  
34 responsible for resettlement and relocation of informal settlers including  
35 their social preparation. It shall also be responsible for dissemination of  
36 information and educational campaign.

37           **SEC. 17. *Power to Administer Oaths.*** – The members of the Board, the general  
38 manager and other duly designated officers of the Authority, shall have the authority  
39 to administer oaths in the transaction and performance of their official duties.

1           **SEC. 18. Consultative Assembly.** – There shall be established a consultative  
2 assembly which shall serve as venue for public consultations and participation by  
3 stakeholders and presentation of the Authority’s plans and programs or modification,  
4 amendment or revision of rules and regulations prior to its adoption or implementation  
5 within its jurisdiction. The consultative assembly shall be composed of the following:

- 6           (a) Mayors of the cities and municipalities comprising the Abra River Basin  
7 System;
- 8           (b) The president of the association of barangay captains in cities and  
9 municipalities comprising the Abra River Basin System;
- 10          (c) A representative of owners, proprietors and authorized operators of all  
11 major private, commercial or industrial business establishments located  
12 in all barangays comprising the Abra River Basin System; and
- 13          (d) One (4) representative each for the homeowners associations, civil  
14 society organizations and peoples’ organizations in the Abra River Basin  
15 System. The Authority shall convene an annual year-end general  
16 assembly to report and present its financial and fiscal status and updates  
17 on its plans, programs and projects to its stakeholders and to the public.  
18 The required logistical support, such as food and transportation  
19 allowances shall be provided to the members of the Board and the  
20 consultative assembly during the meeting at the expense of the Authority  
21 subject to government accounting and auditing procedures.

22           **SEC. 19. Additional Offices.** – The Board may create additional offices it may  
23 deem necessary for the effective implementation of this Act not later than twelve (12)  
24 months from the date of the effectivity of this Act.

25           **SEC. 20. Enforcement Powers.** – The Authority shall have enforcement powers  
26 within the Abra River Basin System to carry out the functions and attain the purposes  
27 and objectives declared under this Act. The grant of such powers shall be in conformity  
28 with the functions exclusively provided by law to be exercised by the PNP and other  
29 government agencies. The Authority may request the assistance of other law  
30 enforcement agencies, including request for deputation as may be required. Such  
31 enforcement power shall be exercised in connection with the operations of barangay  
32 waterways water quality surveillance, monitoring and enforcement units, and  
33 implementation of rules and regulations promulgated by the Board pursuant to the  
34 authority granted under this Act.

35           **SEC. 21. Power to Investigate Violations.** – The general manager, motu proprio  
36 or at the instance of a private person or the Board, may conduct investigations based  
37 on the procedures that the Board may prescribe in accordance with the provisions of  
38 the Rules of Court serving as supplemental guidelines.

1           **SEC. 22. *Cease and Desist Order.*** – The general manager, after due  
2 investigation, may issue a cease and desist order to immediately halt any practice  
3 found to be in violation of the provisions of this Act. Such order shall be without  
4 prejudice to the civil or criminal prosecution of persons under the existing laws.

5           **SEC. 23. *Abra River Adjudication Panel.*** – To carry out effectively the quasi-  
6 judicial powers of the Authority, there shall be created an Abra River Basin  
7 Adjudication Panel, hereinafter referred to as the “Adjudication Panel.” The  
8 Adjudication Panel shall be composed of the general manager as the head, one (1) *ex*  
9 *officio* board member and one (1) board member from the private sector, to be elected  
10 by the board members from among themselves.

11           The Adjudication Panel shall have the following powers and functions:

- 12           (a) Issue preliminary or permanent injunctions whether prohibitory or  
13           mandatory, in all cases in which it has jurisdiction;
- 14           (b) Issue subpoena and subpoena duces tecum and to summon witnesses  
15           to appear in any proceedings of the Adjudication Panel, and administer  
16           oaths and affirmations;
- 17           (c) Punish for contempt, both direct and indirect, in accordance with the  
18           pertinent provisions of and the penalties prescribed by the Rules of  
19           Court;
- 20           (d) Conduct investigations and hearings on the complaints for violation of  
21           the environmental laws and of this Act, issue show cause orders,  
22           decisions or ruling and impose times and penalties for such violations;
- 23           (e) Issue notices of violations or non-compliance, cease and desist orders  
24           and other related orders necessary for the enforcement of existing  
25           environmental laws and rules and regulations of this Act;

26           The Adjudication Panel is mandated to take cognizance and adjudicate  
27           violations of this Act. Any decision, order or resolution shall be concurred in by  
28           the majority members of the panel and duly signed by the general manager. The  
29           decision, order or resolution of the Adjudication Panel may be appealed to the  
30           Board within fifteen (15) days from receipt of the decision, order or resolution.  
31           The decision of the Board may be further appealed to any court of competent  
32           jurisdiction in accordance with the provisions of the Rules of Court.

33           **SEC. 24. *Clean-Up Operations.*** – In addition to the provisions of Section 26  
34           hereof, any person who causes pollution in or pollutes the Abra River or any of its  
35           tributaries in excess of the applicable and prevailing standards shall be responsible to  
36           contain, remove and clean-up any pollution incident at the polluter’s own expense:  
37           Provided, That in the event emergency clean-up operations are necessary and the  
38           polluter fails to immediately undertake the same, the Authority, in coordination with



1 other government agencies concerned, shall conduct containment, removal and  
2 cleanup operations. Expenses incurred in said operations shall be reimbursed by the  
3 persons found to have caused such pollution upon proper administrative determination  
4 in accordance with this Act. Reimbursements of the cost incurred shall be made to the  
5 Authority's fund for the development of the Abra River.

6 **SEC. 25. *Prohibited Acts.*** – The following acts are prohibited:

- 7 (a) Discharging, depositing or causing to be deposited matter of any kind  
8 directly or indirectly along the margins or the water of the Abra River,  
9 where the same shall be liable to be washed into surface water either by  
10 the tide, storm, floods or other occurrences which cause water pollution  
11 or impede the natural flow of the Abra River;
- 12 (b) Discharging, injecting or allowing to seep into the soil or subsoil any  
13 substance in any form that would pollute the Abra River groundwater.  
14 In the case of geothermal projects, subject to the approval of the  
15 Authority, the regulated discharge for short-term activities such as well  
16 testing, flushing, commissioning, venting and deep reinjection of  
17 geothermal liquids may be allowed: Provided, That safety measures are  
18 adopted to prevent the contamination of the groundwater;
- 19 (c) Operating facilities and discharging regulated water pollutants without  
20 the valid required permits or under a revoked permit in violation of any  
21 condition imposed by the Authority;
- 22 (d) Disposal of potentially infectious medical waste into the Abra River and  
23 its tributaries;
- 24 (e) Unauthorized transport or dumping of sewage sludge, solid waste, or  
25 commercial, industrial and institutional waste into the Abra River and its  
26 tributaries and waterways;
- 27 (f) Transporting, dumping or discharging of prohibited chemicals, toxic  
28 substances, hazardous and nuclear waste into the Abra River;
- 29 (g) Operating facilities that discharge or allow to seep, willfully or through  
30 gross negligence, prohibited chemicals, toxic, hazardous and nuclear  
31 waste, or pollutants into the waterways wherein the same shall be  
32 washed into the surface and ground water of the Abra River;
- 33 (h) Undertaking activities, development and expansion projects or operating  
34 wastewater and sewerage facilities in violation of Environmental Impact  
35 Statement System established under Presidential Decree No. 1586 and  
36 its implementing rules and regulations;

- 1 (i) Discharging regulated water pollutants without the valid required  
2 discharge permit pursuant to this Act or after the permit was revoked for  
3 any violation of the condition therein;
- 4 (j) Refusal to allow entry, inspection and monitoring by the Authority;
- 5 (k) Refusal to allow access by the Authority to relevant reports and records;
- 6 (l) Refusal or failure to submit reports whenever required by the Authority;
- 7 (m) Refusal or failure to designate pollution control officers whenever  
8 required by the Authority in accordance with this Act; and
- 9 (n) Directly using booster pumps in the distribution system or tampering  
10 with the water supply in such a way as to alter or impair the quality of  
11 water.

12 **SEC. 26. Penal Clause.** – Any person who commits any of the prohibited acts  
13 mentioned in Section 25 hereof or any rule and regulation promulgated pursuant  
14 thereto shall be punished by imprisonment of not less than two (2) years but not more  
15 than four (4) years or a fine of not less than Fifty thousand pesos (PhP 50,000.00) but  
16 not more than One hundred thousand pesos (PhP 1,000,000.00), or both. In case of  
17 failure or refusal to undertake clean-up operations mentioned in Section 24 hereof,  
18 any person who, willfully or through gross negligence causes serious injury, loss of  
19 life, or irreversible water contamination of surface or ground water, shall be punished  
20 with imprisonment of not less than six (6) years and one day to not more than twelve  
21 (12) years or a fine of Five hundred thousand pesos (PhP 500,000.00) per day for  
22 each day during which the omission or contamination continues.

23 If the offender is a corporation or a juridical person, the officers thereof who  
24 have knowingly participated in the violation shall be held liable.

25 **SEC. 27. Incentives.** – The Authority may provide incentives to industries and  
26 commercial enterprises that undertake necessary measures to abate pollution within  
27 the Abra River Basin System and to the government agencies involved in the  
28 construction of parks, river control structures, revetments along the river banks,  
29 antipollution devices, contraptions, appurtenances, bio-remediation and containment  
30 systems, cleaner technology systems for wastewater treatment and sewerage facilities  
31 and solid-waste and garbage disposal systems, and other related equipment.

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

37 **SEC. 28. Annual Fees.** – The Authority shall be authorized to collect annual fees  
38 from private business establishments, individual or corporation, including residential

1 establishments such as townhouses, apartments, hotels, condominiums, condotels,  
2 medical hospitals and wet markets, both private and public, whose wastewater  
3 disposal facilities are connected to the sewerage system located within the Abra River  
4 Basin System or which wastewater eventually drains or seeps to the Abra River. The  
5 fees collected shall be used solely for rehabilitation and sustainable development of  
6 the Abra River Basin System.

7 **SEC. 29. *Fiscal Autonomy.*** – The Authority shall enjoy fiscal autonomy. All funds  
8 earned by the Authority from the collection or levy or from all fees, charges, dues,  
9 assessments and fines collected pursuant to this Act shall be used solely to fund its  
10 operations.

11 **SEC. 30. *Capitalizations and Financing.*** – The Authority shall have an authorized  
12 capital of Four hundred million pesos (PhP 400,000,000.00). The authorized capital  
13 shall be divided into two million (2,000,000) shares of stock with a par value of Two  
14 hundred pesos (PhP 200.00) per share. The National Government shall fully subscribe  
15 to ninety percent (90%) of the authorized capital, of which at least fifty percent (50%)  
16 shall have been fully paid; while ten percent (10%) of the shares shall be subscribed  
17 and paid by the Provincial Government of Abra.

18 **SEC. 31. *Funding.*** – The amount necessary to subscribe and pay for the  
19 remaining shares of the National Government to the capital stock of the Authority shall  
20 be included in the annual General Appropriations Act. For the Provincial Government  
21 of Abra, the funds for subscription shall be taken from their internal revenue allotment  
22 and other local funds.

23 **SEC. 32. *Exemption from Taxes, Customs and Tariff Duties.*** – The importation  
24 of equipment, machineries, spare parts, accessories and other materials including  
25 supplies and services which are used solely and exclusively for the operations of the  
26 Authority and are not available locally shall be exempt from all direct and indirect  
27 taxes, wharfage fees and other charges. All obligations entered into by the Authority  
28 and any income derived therefrom, including those contracted with private  
29 international banking and financial institutions shall be exempt from all taxes including  
30 the principal and the interest. The Authority is also exempt from the payment of  
31 capital gains tax, documentary stamp tax, real property estate tax and all other local  
32 government taxes and fees.

33 **SEC. 33. *Auditor.*** – The chairperson of the Commission on Audit (COA) shall be  
34 the ex-officio Auditor of the Authority. For this purpose, the chairperson may appoint  
35 a representative and the necessary personnel who shall audit the Authority.

36 All accounts and expenses of the Authority shall be audited by the Commission  
37 on Audit or its duly authorized representative.

38 **SEC. 34. *Implementing Rules and Regulations.*** – Within ninety (90) days after  
39 the approval of this Act, the TESDA shall, in coordination with the DOLE, DTI, DOST,

1 DA, Department of Budget and Management, DILG, NEDA, concerned LGUs, and such  
2 other relevant agencies and industry-business partners of the host locality, prepare  
3 and issue the necessary rules and regulations for the effective implementation of this  
4 Act.

5 **SEC. 35. *Separability Clause.*** – If, for any reason or reasons, any part or  
6 provision of this Act shall be declared as unconstitutional or invalid, the other parts or  
7 provisions hereof which are not affected thereby shall continue to be in full force and  
8 effect.

9 **SEC. 36. *Repealing Clause.*** – All provisions of existing laws, orders, rules and  
10 regulations or parts thereof which are in conflict or inconsistent with the provisions of  
11 this Act are hereby repealed, amended or modified accordingly.

12 **SEC. 37. *Effectivity.*** – This Act shall take effect fifteen (15) days after its  
13 publication in the *Official Gazette* or in any newspaper of general circulations.

*Approved,*