

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

'04 JUN 30 P3:45

S E N A T E

S. No. 291

RECEIVED BY: Onu

Introduced by Senator S. R. Osmeña III

EXPLANATORY NOTE

Our country has 421 principal rivers, 384 river systems, and 18,417 kilometers of coastline. This natural resource has been robbed of its potential usefulness because of extensive pollution.

The Pasig River, already considered a "dead river" because of its virtually zero oxygen level, receives an annual discharge of 3,600 tons of refuse, 42 liters of industrial wastes from the 300 industrial firms located along its banks, and oil spills from some 300 gasoline stations, oil depots, barges, tankers and boats docking in the area.

The rivers at the outskirts of Metro Manila and in the nearby provinces also suffer from various degrees of environmental damage: siltation hastened by erosion from the highlands caused by tree-cutting and burning, pollution with mining and industrial wastes, and the indiscriminate use of insecticides in agricultural areas.

During the rainy season, water from the clogged rivers and waterways bring the dreaded floodwaters which inflict untold damage to property and human lives in neighboring residential areas. The incidence of red tide as a result of pollution has also added the loss of numerous human lives to the cost of the pollution of our rivers and coastlines.

This bill proposes the establishment of rivers, river systems, beaches and waterways as ecological zones, to be administered by the Department of Environment and Natural Resources, and subsequently to be devolved to the Local government units.

If pollution is part of the cost of industrial development, it is only fair and just that the manufacturing enterprises, shipping and barging concerns and other entities which generate the pollutants be made to bear the cost themselves, rather than shift it to the public. This bill mandates the DENR and subsequently the LGUs to enforce the right of every citizen to a balanced and healthful ecology.

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



SERGIO OSMEÑA III
Senator

THIRTEENTH CONGRESS OF THE REPUBLIC)
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AN ACT
DECLARING AND ESTABLISHING RIVERS, RIVER SYSTEMS, BEACHES
SHORES AND WATERWAYS AS ECOLOGICAL ZONE, AND FOR OTHER
PURPOSES

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 “**River and**
2 **Waterways Ecological Zones Act of 2004.**”

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

8 SEC. 3. **Definition of Terms.** -

9 a. “River” shall refer as follows:

10 1) A “major” river has at least 1,400 kilometers of drainage area;

11 and

12 2) A “principal” river has at least forty (40) square kilometers of
13 drainage area.

14 b. “River system” is a network of channels naturally or artificially
15 designed to drain the whole catchment area into one outlet point, and this
16 includes esteros, channels, creeks, springs, brooks, storm drains,
17 streams, tributaries and flood control channels.

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

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

7 1) The water quality has deteriorated such that the dissolved
8 oxygen content (DOC) is zero; biochemical oxygen demand
9 (BOD) is more than one-hundred milligrams per liter (100mg/l);
10 presence of toxic substances or heavy metals is above
11 standards; or

12 2) Heavily silted or filled up by sediment; absence of surface water
13 flow; and erosion of river or waterway beds and banks.

14 e. "Environmental Impact Assessment (EIA)" – refers to the planning
15 and decision-making process which includes studies of the environment
16 with impact of a project including a discussion of the direct and indirect
17 consequences upon human welfare and ecological and environmental
18 integrity. EIA should also include studies on the alternatives to proposed
19 projects.

20 f. "Environmental Impact Statement (EIS)" – refers to the document
21 reflecting the aims to identify, predict, interpret and communicate
22 information regarding changes in environmental quality associated with a
23 proposed project, and the range of alternative for the objectives of the
24 proposal and their impact on the environment.

25 g. "Statement of Environmental Consequence" – refers to a simple or
26 small scale version of the Environmental Impact Statement (EIS) system.

27 SEC. 4. Purposes. – The primary purposes of this Act are as follows:

1 a. To recognize and protect rivers and waterways as
2 environmental resource critical to the ecological dimension of the lives of
3 the people;

4 b. To establish multiple-use system of rivers and waterways,
5 provided such is within the bonds of environmental protection and
6 ecological balance;

7 c. To legally equip the government in pursuing environmental
8 protection objectives and enforcing corresponding laws, rules and
9 regulations; and

10 d. To establish the natural resource of rivers and waterways
11 within the context of a national land and resource use planning and
12 zoning, a long-awaited environmental protection and efficient resource
13 utilization measure.

14 **SEC.5. Environmental Protection System.** – All current or prospective
15 modes of occupancy, utilization or application of portions or surrounding areas of
16 rivers, beaches, shores, and waterways shall henceforth be subjected to the
17 Environmental Impact Assessment (EIA) and Environmental Impact Statement
18 (EIS) Systems or Statement of Environmental Consequences (SEC) for small
19 scale or household endeavors as determined by the Environmental Management
20 Bureau (EMB) of the Department of Environment and Natural Resources.

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

23 a. Dump solid, toxic and hazardous waste or untreated sewage
24 into the river system or waterway;

25 b. Dump or throw domestic garbage into the river system or
26 waterway;

27 c. Squat or appropriate banks or portions of rivers or
28 waterways for private use or gain, except as duly authorized or allowed for

1 such reasonable easement of public use in the interest of recreation,
2 navigation, floatage, fishing and salvage.

3 d. Fence off or encroach upon any river system or waterway, or
4 portions thereof, by any means whatsoever, and convert the same into
5 fishpens or other private or commercial use, without the necessary
6 environmental protection clearance, i.e. EIA/EIS or SEC.

7 e. Aid or conspire by way of commission or negligence in the
8 perpetration of above-cited prohibited acts.

9 **SEC. 7. Penal Clause.** – Any person who violates any of the acts herein
10 prohibited shall be punished by imprisonment of not less than six (6) years and
11 one (1) day nor more than eight (8) years, and a fine of not less than Ten
12 thousand pesos (P10,000.00) nor more than Twenty thousand pesos
13 (P20,000.00): Provided, however, That in case of violation of this Act by an
14 association, club, partnership, cooperative, or corporation or other juridical entity,
15 the incumbent officers thereof who have knowingly participated in the violation
16 shall be held liable: Provided, further, That if the offender is a government official
17 or employee, he shall be permanently barred from holding any public office,
18 appointment or employment: Provided, further, That the title, license, permit or
19 lease held by the offender over the occupancy or use of the portion of river
20 system or waterway is automatically revoked.

21 **SEC. 8. Administration and Enforcement: Implementing Guidelines.** –
22 The Secretary of the Department of Environment and Natural Resources (DENR)
23 shall have the primary responsibility for the administration and enforcement of
24 this Act. It shall transmit all cases for prosecution arising from violations of this
25 Act to the proper authorities for appropriate action.

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

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

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

9 SEC. 11. **Separability Clause.** If any section or provision of this Act shall
10 be declared unconstitutional or invalid, the other sections or provisions not
11 affected thereby shall remain in full force and effect.

12 SEC. 12. **Repealing Clause.** – All laws, decrees, orders, rules and
13 regulations and other issuances inconsistent with the provisions of this Act are
14 deemed modified, revoked or repealed accordingly.

15 SEC. 13. **Effectivity.** This Act shall take effect fifteen (15) days after its
16 publication in two (2) leading newspapers of national circulation.

Approved,