



Republic of the Philippines  
**HOUSE OF REPRESENTATIVES**  
Quezon City, Metro Manila

**SIXTEENTH (16<sup>th</sup>) CONGRESS**  
Second Regular Session

**HOUSE BILL NO. 5641**

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Introduced by REP. JOSE CHRISTOPHER Y. BELMONTE

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#### EXPLANATORY NOTE

This bill seeks to create the Pasig River Rehabilitation and Development Authority to effectively and efficiently undertake the coordinated development and management of the Pasig River Basin System.

The 27-kilometer Pasig River Basin System traverses the cities of Manila, Makati, Mandaluyong, Pasig, Taguig, and the Municipality of Pateros and Taytay. It connects two large important bodies of water, the Manila Bay in the west, which is the country's main port of maritime trade and travel, and the Laguna de Bay in the east, which is the largest freshwater lake in the country. It serves as the only outlet that drains excess water from the Laguna de Bay to Manila Bay.

The Pasig River Basin System is composed of 47 tributaries, *four* are major waterways: the San Juan River (6.2 km.), Marikina River (19.3 km.), Napindan River (8.4 km.) and Pateros-Taguig River (11.5 km.) while 43 are minor tributaries with an aggregate length of 105.8 kilometers. It has an average width of ninety meters, depth from 0.5 to 5.5 meters, water volume of 6.548 million cubic meters, and minimum and maximum flow rates of 12-275 cubic meters per second.

During the colonial period, the Pasig River was the main point of entry for trade and commerce in Manila. It also serves as the main travel and supply route for upstream communities and those living on the lakeshores of Laguna de Bay. This is immortalized in Jose Rizal's "*El Fibusterismo*," when one December morning while "*Bapor Tabo*" cruises along the Pasig River towards Laguna de Bay, the main characters were discussing ways on how to improve Pasig River for navigation.

Traditionally, the municipalities upstream were fishing communities relying mostly on the Pasig River and Laguna de Bay, while the settlements downstream experienced rapid urbanization during the 1930s to 1990s with the influx of trade and commerce. The resulting effects are human migration, overpopulation and pollution.

Before pollution had upset its ecology, the Pasig River is the habitat of 25 fish varieties and 13 types of aquatic plant. As of 1997, there were only six (6) remaining species of fish and two (2) types of plants that can thrive in polluted waters.<sup>1</sup>

Efforts to reverse the worsening pollution and declining ecological condition have been attempted by the government since the 1970s. These include the following:

- From 1972 to 1983, the Pasig River Development Council was created under Presidential Decree Nos. 274 and 281 with adequate police powers to oversee the development program of the Pasig River, regulate and control pollution, and administer its trust fund.
- In 1993, the Presidential Taskforce for Pasig River Rehabilitation was created to coordinate and prioritize the rehabilitation and development of the Pasig River.
- From 1999 to present, the Pasig River Rehabilitation Commission was organized to ensure the rehabilitation of the Pasig River.

However, despite full government support and intervention, the trend for further water quality deterioration and pollution affecting the Pasig River Basin System emerges to be in a constant downward scale.

Recent studies conducted by the Asian Development Bank have concluded the following as among the major challenges:

The biggest challenge facing the Pasig River's rehabilitation is the conflict-riddled process of relocating slum communities thriving along the riverbanks, which have been a constant source of pollution. In fact, 65% of waste dumped into the river comes from these households. The establishment of three to ten meter easements as environmental preservation areas means relocating thousands of squatter households to adequate resettlement areas and providing them with affordable housing, livelihood opportunities and other development support.

One of the many challenges is the institutional fragmentation and the number of agencies involved. There are about 30 different bodies involved with water and

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<sup>1</sup> Water Pollution Control - A Guide to the Use of Water Quality Management Principles, Case Study III-Pasig River, Philippines, WHO/UNEP, 1997

sanitation alone. In the case of Metro Manila, 17 local governments, two private water companies and other agencies are involved.

The problem is the river is comparably short and the drainage area is very densely populated. Untreated sewage and industrial effluent flows into it, and with poor waste collection and lack of proper landfills in nearby communities, it has basically become a garbage depot. Along the way you have 47 tributaries pumping in more dirty water, particularly in the informal settlement areas where suitable sanitation facilities are often missing.

There is a need to establish a single lead government agency vested with adequate authority and powers to implement and enforce the pertinent provisions of all existing environmental laws, and coordinate the plans, programs and activities of various agencies and LGUs to ensure the sustainable development of the Pasig River System.

In view of the foregoing, immediate approval of this bill is earnestly sought.



**JOSE CHRISTOPHER Y. BELMONTE**



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**AN ACT**  
**CREATING THE PASIG RIVER REHABILITATION AND 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:*

SECTION. 1. *Short Title.* - This Act shall be known as the "*Pasig River Development Act.*"

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

Recognizing the importance and the strong influence of the Pasig River in the socio-economic growth of the areas around it, the State shall pursue a sound, sustainable and balanced development and utilization of the Pasig River with due regard for environmental management and control to preserve its ecological system and implement an integrated and coordinated approach for its sustainable utilization and rehabilitation.

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

- a) *Discharge* includes the act of spilling, leaking, pumping, pouring, emitting, emptying, releasing or dumping of any material into a water body or onto land from which it might flow or drain into the water;
- b) *Effluent* refers to discharge from known sources, which is passed into a body of water or land or wastewater flowing out of a manufacturing plant, industrial plant and domestic household including commercial and recreational facilities;
- c) *Effluent standard* refers to any legal restriction or limitation on quantities, rates or concentrations or any combination thereof, of physical, chemical or biological parameters of effluent which a person or point source is allowed to discharge into a body of water or land;
- d) *Geographic Information System (GIS) Mapping* refers to computerized data management system to capture, store, manage, retrieve, analyze, and display spatial information in which data are geo-referenced to the coordinates of a particular projection system which allows precise placement of features on the earth's surface and maintains the spatial relationships between mapped features such as slope, soils, hydrography, bathymetry, demography, wetlands and land use which can be combined to develop maps suitable for regulatory and planning decisions;
- e) *Hazardous waste* refers to solid waste or combination of solid waste which because of its quantity, concentration, or physical, chemical or infectious characteristic may cause or significantly contribute to an increased in mortality or an increase in serious irreversible, or incapacitating reversible illness, or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported or disposed of or otherwise managed;
- f) *Integrated Water Quality Management Framework* refers to the policy guideline integrating all the existing frameworks prepared by government agencies which contains the water quality goals and targets, period of compliance, water pollution control strategies and techniques, water quality information and education program and human resources development program including the training of local government personnel at the barangay level;
- g) *Land swapping* refers to the process of land acquisition by exchanging land for another piece of land of equal value or for shares of stock in a government or quasi-government corporation whose book value is of equal value to the land being exchanged, for the purpose of planned and rational development such as provision for wastewater treatment facilities and socialized housing where land values are determined based on land classification, market value and assessed value taken from existing tax declarations and wherein valuable lands owned by private persons may be exchanged with less valuable lands;
- h) *On-site or near-site development* refers to the process of upgrading and rehabilitation of blighted and slum urban areas with a view of minimizing



displacement of dwellers in the areas and providing resettlement areas with provisions for basic services;

- i) *Urban renewal areas (URAs)* refers to the lands or communities beyond the three (3) to ten (10) meter environmental preservation areas which shall be prioritized for the provision of basic social and health services such as improved water supply, sanitation, centralized and decentralized sewerage and sewage catchment structures and other essential infrastructure; and
- j) *Water quality guidelines* refers to the level for a water constituent or numerical values of physical, chemical, biological and bacteriological or radiological parameters which are used to classify water resources and their use, which does not result in significant health risk and which are not intended for direct enforcement but only for water quality management purposes such as determining time trends, evaluating stages of deterioration, enhancement of the water quality and as basis for taking positive action in preventing, controlling or abating water pollution as determined by the Department of Environment and Natural Resources (DENR).

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

The Pasig River Basin System consists of all barangays located along the 27-kilometer river which traverses the cities of Manila, Makati, Mandaluyong, Pasig, Taguig and the municipality of Taytay in the Province of Rizal and all barangays located in its 47 tributaries including esteros and waterways located in the local government units of Manila, Makati, Mandaluyong, Pasig, Taguig, Quezon City, San Juan, Marikina, Pasay, Taytay and Pateros that drains to or branches out from the Pasig River and the industrial, commercial, business, residential, recreational and other private and public areas contiguous to the environmental preservation areas.

For purposes of this Act, *environmental preservation areas* refer to areas consisting of the ten (10) meters wide land along approximately twenty-seven (27) kilometers of both banks of the Pasig River and the three (3) meters wide strip of land along all its 47 tributaries which are essential for the ecological preservation of the Pasig River, to provide a buffer zone between the river and resident population to ensure public safety and provide access for environmental management.

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

- a) The rehabilitation and sustainable development of the Pasig River Basin System in order to transform its environs into a showcase of a new quality of urban life;
- b) The preparation, development and implementation of a comprehensive and detailed twenty-five (25) year Pasig River Rehabilitation Roadmap and Master Plan based on the framework of sustainable water management in consultation and coordination with the Local Government Units (LGUs), DENR, Department of Interior and Local Government (DILG), Department of Transportation and Communication (DOTC), Metro Manila Development Authority (MMDA), Metropolitan Waterworks and Sewerage System (MWSS) and other appropriate government agencies and stakeholders;
- c) Consistent with the 25-year Pasig River Rehabilitation Roadmap and Master Plan, the implementation of short and medium-term programs, activities and projects to attain the objectives of this Act shall be prioritized, which is, among others, to transform and upgrade the water quality of the Pasig River Basin System into Class "C" preferably before the end of the 25-year duration of this Act;
- d) The strengthened participation and role of the LGUs specifically the barangays in the implementation and enforcement of existing environmental laws such as Republic Act No. 9275, otherwise known as the "*Clean Water Act of 2004*," and Republic Act No. 9003, otherwise known as the "*Ecological Solid Waste Management Act of 2000*," to revive the Pasig River from being considered biologically-dead;
- e) The encouraged participation of the private sector and civil society organizations in transforming the Pasig River Basin System into a conducive environment for recreation, business and other productive uses, and attract private sector-driven and cleaner technology-based investments in ecosystem development;
- f) The planning, programming, social preparation and adjustment, relocation or resettlement of the population from the declared environmental preservation areas (EPAs) of the Pasig River Basin System, in coordination with appropriate government agencies and LGUs, and to ensure that relocation and resettlement areas have permanent access to adequate basic social services and livelihood opportunities;
- g) Clearing and dismantling illegal structures and obstructions in order to recover government easement or right-of-way for the EPAs located along the banks of the Pasig River and its 47 tributaries, and the titling of the same in the name of the Republic of the Philippines; and,
- h) Massive information and education campaign to amplify stakeholder awareness and voluntary participation on the importance of environmental restoration, rehabilitation, protection and conservation of the Pasig River

Basin System in close coordination with LGUs and other government agencies.

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

- a) Work closely with the MMDA and MWSS and its concessionaries to ensure the provision for adequate, dependable and reliable wastewater treatment facilities and sewerage systems in all their authorized service areas, particularly, in the unserved and under-served communities, barangays or urban renewal areas (URAs) within the Pasig River Basin System;
- b) Periodically conduct comprehensive scientific surveys, studies, field sampling and laboratory testing, and GIS-mapping of the Pasig River Basin System, in coordination with the Department of Science and Technology (DOST), DENR-Environmental Management Bureau (EMB), National Mapping and Resource Information Authority (NAMRIA) and MMDA to monitor, evaluate, update and analyze among others, the physical, biological, chemical, hydrologic, bathymetric and hydrographic characteristics including socio-economic profile of the stakeholders, trade and industrial and commercial profile, status of the national government agency and LGU programs and projects, biometric tagging and identification of informal settlers, parcellary land use and zoning aspects, mapping of critical effluent discharge areas, transportation and navigation attributes, historical and tourism elements, and its interphase and relationships on Integrated Water Quality Management Framework with the Tullahan River, Laguna Lake, Manila Bay and other nearby bodies of water;
- c) Engage the services of the private sector through the Public-Private Partnership (PPP) process or through the Built Operate and Transfer (BOT) Scheme under Republic Act No. 6957, entitled "*An Act Authorizing the Financing Construction, Operation and Maintenance of Infrastructure Project by the Private Sector, and For Other Purposes,*" or other acceptable forms of partnership and agreements in establishing its own water quality laboratory, environmental, biological and microbiological laboratory, GIS-mapping system, surveillance, monitoring and enforcement system through high-definition closed circuit televisions or other surveillance and monitoring technologies and new technologies on highly-specialized fields including sewerage and sewage treatment systems which require the expertise and investment of the private sector;
- d) Engage in land swapping in securing relocation and resettlement areas, and in sludge or contaminated sediment disposal and treatment sites whenever necessary, whether by itself or in cooperation with private persons or entities and enter into other acceptable exchange agreements related to social and ecological development projects;
- e) Engage in experimental community-based integrated wastewater management technologies and strategies including the collection and disposal



system, sewage and septage treatment, collection and disposal of floating garbage, solid waste by-products, sludge or contaminated sediments;

- f) Conduct, in coordination with the LGUs, the Presidential Commission for the Urban Poor, National Housing Authority (NHA), MMDA and DILG, consultation and social preparation and arrange provision for low cost housing to qualified informal settler families located along the Pasig River Basin System prior to relocation and settlement with the exception of known professional squatters;
- g) Identify, secure and possess near-site or on-site development areas for low-cost and socialized mass housing of qualified informal settler families;
- h) Clear and dismantle all illegal structures, in coordination with the local government units, MMDA, DILG and Philippine National Police (PNP), and ensure that the easements provided for in this Act, and other related laws are enforced, especially in all the *esteros* and waterways that drain into and branch-out of the Pasig River;
- i) Formulate and implement the comprehensive Pasig River Rehabilitation Roadmap and Master Plan;
- j) Review all plans, projects and programs on the Pasig River Basin System and the expansions thereto including those submitted by LGUs, public corporations, public utility franchisees, concessionaires, private persons or corporations that relate to the development of the Pasig River Basin System to ensure that they conform to the environmental standards prescribed by the Authority and other environmental laws;
- k) Implement infrastructure projects such as flood control, solid waste management, wastewater and sewerage, water supply, access roads, access ports, housing, leisure parks and related works within the context of its development master plan including the readjustment, relocation or resettlement of population within the Pasig River Basin System that may be deemed necessary and beneficial in pursuit of its mandate. In case any of these projects is financed wholly or in part by the Authority, it shall have authority to collect fees and tolls from users or beneficiaries to recover costs of construction and maintenance of the projects. Infrastructure projects which are in the nature of social overhead capital projects shall be entitled to receive the corresponding financial assistance from the government;
- l) Implement, in coordination with the Philippine Reclamation Authority and the LGUs, dredging or reclamation projects;
- m) Conduct, in close coordination with the DENR, DOST, the academe and other private and public research institutions, continuing research and development programs on water quality management technologies, integrated water resource management models and techniques, and

appropriate wastewater technologies, with the end view of promoting sustainable development;

- n) Without prejudice to existing environmental laws, establish and enforce anti-pollution standards and water quality guidelines on domestic, municipal, commercial and industrial wastewater and effluents being discharged into the river system;
- o) Adopt rules and regulations governing the approval of sewage works and industrial waste treatment and disposal systems and the issuance of clearances or permits in accordance with the provisions of this Act and inspect the construction and maintenance of sewerage works and industrial waste treatment and disposal systems in compliance with clearance or permit conditions;
- p) Require all projects or activities affecting the Pasig River Basin System to secure Environmental Compliance Certificates (ECCs) required under Presidential Decree No. 1586 and grant clearances and permits for projects and activities within or affecting the Pasig River Basin System including industrial and commercial activities, recreation and tourism, navigation, housing and other forms of land developments, construction and operation and impose necessary safeguards, management and control of wastewater and collect necessary fees for such activities and projects;
- q) Issue, renew or cancel permits subject to reasonable guidelines for the discharge of sewage, septage, industrial waste and installation or operation of sewerage works and industrial disposal systems or parts thereof, for the prevention and abatement of pollution;
- r) Require subdivisions, condominiums, clinical and medical establishments, mortuaries, car and motor repair shops, private and public markets, abattoirs, private and public buildings and other similar human settlements within the Pasig River Basin System to construct and provide appropriate individual and decentralized wastewater and sanitary treatment plants, or centralized sewerage systems and sewage treatment facilities. The Authority shall impose reasonable fees and other similar charges for the issuance or renewal of all the required permits;
- s) Impose annual fees or levies in the form of local tax on all industrial and commercial users of the Pasig River and its tributaries as well as the *esteros* branching from and draining into the Pasig River;
- t) Issue, after due notice and hearing, orders or decisions to compel compliance with the provisions of this Act and its implementing rules and regulations;
- u) Issue, alter or modify, after due notice and hearing, orders decisions requiring the discontinuance of pollution specifying the conditions and the time within which such discontinuance must be accomplished;

- v) Revoke, suspend or modify, after due notice and hearing, any clearance or instrumentalities for the purpose of enforcing the provisions of this Act and its implementing rules and regulations;
- w) Deputize or request the assistance of appropriate government agencies or instrumentalities for the purpose of enforcing the provisions of this Act and its implementing rules and regulations and the orders and decisions of the Authority;
- x) Enter, inspect or investigate at all reasonable times any public and private property devoted to commercial and industrial use within the Pasig River Basin System, on any matter relating to pollution and existing or imminent environmental hazard and danger;
- y) Fix, impose, collect, periodically review and adjust reasonable fees and other related charges for services rendered in the performance of its mandate; and
- z) Exercise powers and perform other functions as may be necessary to carry out its duties and responsibilities under this Act.

SEC. 7. *Corporate Powers.* - The Authority shall exercise the following corporate powers:

- a) Succeed on its corporate name;
- b) Sue and be sued in its corporate name;
- c) Adopt, alter and use a corporate seal;
- d) Adopt, amend or repeal its by-laws;
- e) Enter into, make, perform and carry out contracts of any class, kind and description with any person, firm or corporation, private or public and with foreign government entities which are necessary or incidental to the realization of its purpose;
- f) Acquire, buy, purchase, hold or lease, such personal and real property as it deems necessary or convenient in the transaction of its business or to lease, mortgage, sell, alienate or otherwise encumber, utilize, exploit or dispose of any such personal and real property held by it, subject to prior or existing individual or communal right of private parties or of the government or any agency or enterprise thereof. No real property shall be sold without the approval of the President of the Philippines;
- g) Receive and utilize donations, grants, bequeaths and assistance of all kinds from local and foreign governments and private sectors;
- h) Exercise the right of eminent domain whenever the Authority deems it necessary to carry out the objectives under this Act;

- i) Borrow funds from any local or foreign sources independent of the bonds it may issue to carry out the purposes of this Act;
- j) Purchase, hold, alienate, mortgage, pledge or otherwise dispose of the shares of the capital stock of or any bond, securities or other evidence of indebtedness created by any other corporation, co-partnership or government agencies or instrumentalities. The Authority shall not invest its funds in any high risk instruments or in any highly speculative stocks issued without recourse to commercial banks or investment houses;
- k) Perform any acts which a corporation or a juridical person is authorized to perform under the existing laws;
- l) Provide incentives to encourage the private sector to fully subscribe to its shares of stock; and,
- m) Issue such other rules and regulations as may be deemed necessary to carry out the purposes of this Act.

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

- a) General Manager of the Authority, as Chairperson;
- b) Chairperson of the MMDA, as *ex-officio* Vice-Chairperson;
- c) Secretary of the DENR, as *ex-officio* member;
- d) Secretary of the DILG, as *ex-officio* member;
- e) A representative of LGUs located along the Pasig River Basin; and
- f) Two (2) representatives from the private sector who are shareholders or stakeholders in the Pasig River, as members.

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

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

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

- a) Provide a comprehensive policy guidance for the rehabilitation and development of the Pasig River Basin System;
- b) Prescribe and promulgate policies, rules and regulations to govern the conduct of business of the Authority and ensure that the Authority performs its functions in a proper, efficient and effective manner;
- c) Decide the objectives, strategies and policies of the Authority in accordance with the provisions of this Act;
- d) Exercise appellate powers on the decision of the General Manager;
- e) Issue subpoena *ad testificandum* or subpoena *duces tecum* requiring the attendance and testimony of witnesses in any matter or inquiry pending before the Board and require the production of books, papers, contracts, agreements and all other documents;
- f) Exercise appellate powers to order the taking of depositions at any stage of any proceeding or investigation pending before the Board;
- g) Approve the organizational and administrative structures and the corresponding staffing pattern of the Authority; fix their reasonable compensation, allowances and other benefits in accordance with the Salary Standardization Law; prescribe their duties and establish such methods and procedures as may be necessary to ensure the efficient, honest and economical administration of the provisions and purposes of this Act: *Provided, That* all personnel of the Authority below the rank of the General Manager shall be appointed by the Chairperson of the Board: *Provided, further, That* the personnel appointed by the General manager, except those below the rank of department heads, and others of comparable rank, shall be subject to the confirmation by the Board: *Provided, finally, That* the personnel of the Authority shall be selected only from those with civil service eligibility and shall be subject to civil service laws, rules and regulations;
- h) Approve the annual and supplemental budgets of the Authority and authorize each operating and capital expenditures and disbursements as may be necessary for the effective management, operation and administration of the Authority;
- i) Create and organize *ad-hoc* technical working groups composed of representatives from the government and other stakeholders to assist the Board; and
- j) Perform such other functions as may be necessary to carry out the provisions of this Act.

SEC. 10. *Quorum*. – The presence of at least four (4) members of the Board shall constitute a quorum and the majority vote of three (3) members in a meeting



where a quorum is present shall be necessary for the adoption of any rule, ruling, order, resolution, decision or other act of the Board in the exercise of its functions.

SEC. 11. *Board Meetings.* - The Board shall meet regularly once a month and may hold special meetings to consider urgent matters upon the call of the Chairperson or upon the initiative of four (4) members. The rules and procedures in the conduct of Board meetings shall be prescribed by the Board.

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

SEC. 13. *General Manager.* - The Authority shall be headed by a General Manager who shall be the Chief Executive Officer and shall exercise the following powers and functions:

- a) Submit for consideration of the Board, the policies and measures that are necessary to carry out the purposes and objectives of this Act;
- b) Head and administer the Pasig River Basin Adjudication Panel as the implementing arm for the quasi-judicial powers of the Authority;
- c) Execute, administer and implement the policies, plans, programs and projects approved by the Board;
- d) Manage and supervise the operation and administration of the Authority;
- e) Appoint all officials and employees of the Authority below the rank of the Executive Director and remove, suspend or otherwise discipline the same for cause, in accordance with existing civil service laws, rules and regulations;
- f) Submit quarterly reports to the Board on personnel selection, placement and training;
- g) Render an annual report to the Board and various stakeholders regarding the operation of the Authority including its latest financial statements;
- h) Represent the Authority in all its dealings with offices, agencies, and instrumentalities of the government and with all persons and other entities, public or private, domestic and foreign; and
- i) Perform such other functions as may be provided in the by-laws and as may be vested by the Board.

SEC. 14. *Qualifications.* - The General Manager must be:

- a) A Filipino citizen;
- b) At least thirty-five (35) years of age;

- c) With good moral character, unquestionable integrity, recognized competence; and,
- d) A degree holder with at least five (5) years supervisory or management experience in the field of public administration, economic planning, environmental planning and natural resource management, or in the establishment and management of large agricultural, commercial or industrial enterprises or other related fields.

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

SEC. 16. *Compensation.* - The General Manager shall be vested with the rights, privileges, disqualification and prohibitions of a cabinet member and shall have a rank of a Cabinet Secretary.

SEC. 17. *Management Structure.* - In carrying out the activities of the Authority, the General Manager shall be assisted by an Assistant General Manager and four (4) Directors, one (1) for Legal Services, one (1) for Technical Services, one (1) for Administration and Finance Services, and one (1) for Social Development and Advocacy, who shall have such powers, duties and functions as the General Manager may prescribe or delegate. The Deputy General Manager shall act as the General Manager in the absence or during the temporary incapacity of the General Manager or until such time as a new General Manager is duly appointed.

The Authority shall have the following departments under the direct supervision and control of the General Manager:

a) *Enforcement and Legal Service Department* which shall provide legal advice and support to all the corporate units on legal implications of the various undertakings of the Authority. It shall also provide professional assistance in the implementation of the quasi-judicial and regulatory functions of the Authority, which includes enforcement of environmental protection, proper procedures on investigation, litigation, adjudication and voluntary arbitration. This department shall oversee and manage the operations of barangay waterways water quality surveillance, monitoring and enforcement units.

b) *Administrative and Finance Department* which shall be responsible for providing services related to administrative support services such as consolidation of major final output, preparation of personnel evaluation system, human resource management, revenue planning, generation and enhancement, budget and financial matters, records management, safekeeping of financial assets, and general services.

c) *Technical and Environmental Management Services Department* which shall serve as the main regulatory and technical arm of the authority and shall oversee the integration of the functions on river basin management and development, including

the management and operations of the GIS-Mapping unit and laboratories. This department shall also be responsible for providing scientific studies, technical policy planning, research and development, and technology management services:

d) *Social Development and Advocacy Department* which shall be responsible for resettlement and relocation of informal settlers including their social preparation. It shall also be responsible for dissemination of information and educational campaign.

**SEC. 18. *Power to Administer Oaths.*** - The members of the Board, the General Manager and other duly designated officers of the Authority, shall have the authority to administer oaths in the transaction and performance of their official duties.

**SEC. 19. *Advisory Council.*** - There shall be constituted an Advisory Council for the rehabilitation and development of the Pasig River which shall serve as the main institutional linkage with the national government to provide binding and informed guidance on the strategic policies and direction of the Authority. The Advisory Council shall be headed by the Executive Secretary and shall have the following members:

- a) Secretary of Environment and Natural Resources;
- b) Secretary of Budget and Management;
- c) Chairperson of the Housing and Urban Development Coordinating Council (HUDCC);
- d) Secretary of the Public Works and Highways;
- e) Secretary of Finance;
- f) Secretary of Justice;
- g) Secretary of Tourism; and,
- h) Secretary of Transportation and Communications.

The Advisory Council shall advise the General Manager in the exercise and functions of the Authority and in the formulation of policies for the effective implementation of this Act. It shall convene at least twice a year to ensure that the plans and programs of the Authority are aligned with the priorities of the President and objectives of this Act.

The Board shall be present in all of the meetings of the Advisory Council.

The members of the Advisory Council shall receive a *per diem* for each meeting actually attended. The *per diems* of the members of the Advisory Council shall be determined by the Board in accordance with the existing guidelines of the Commission on Audit.

SEC. 20. *Consultative Assembly.* - There shall be established a consultative assembly which shall serve as venue for public consultations and participation by stakeholders and presentation of the Authority's plans and programs or modification, amendment or revision of rules and regulations prior to its adoption or implementation within its jurisdiction. The consultative assembly shall be composed of the following:

- a) Mayors of the cities and municipalities comprising the Pasig River Basin System such as Manila, Makati, Mandaluyong, Pasig, Taguig, Quezon City, San Juan, Marikina, Taytay, Pasay and Pateros;
- b) The Chairpersons of all barangays comprising the Pasig River Basin System;
- c) Owners, proprietors and authorized operators of all major private, commercial or industrial business establishments located in all barangays comprising the Pasig River Basin System; and
- d) Representatives of the homeowners associations, civil society organizations and peoples' organizations in the Pasig River Basin System.

The Authority shall convene an annual year-end general assembly to report and present its financial and fiscal status and updates on its plans, programs and projects to its stakeholders and to the public. The required logistical support, such as food and transportation allowances shall be provided to the members of the Advisory Council, the Board and the consultative assembly during the meeting at the expense of the Authority subject to government accounting and auditing procedures.

SEC. 21. *Additional Offices.* - The Board may create additional offices it may deem necessary for the effective implementation of this Act not later than six (6) months from the date of the effectivity of this Act.

SEC. 22. *Enforcement Powers.* - The Authority shall have enforcement power within the Pasig River Basin System to carry out the functions and attain the purposes and objectives declared under this Act. The grant of such powers shall be in conformity with the functions exclusively provided by law to be exercised by the Philippine National Police and other government agencies. The Authority may request the assistance of other law enforcement agencies, including request for deputation as may be required. Such enforcement power shall be exercised in connection with the operations of barangay waterways water quality surveillance, monitoring and enforcement units, and implementation of rules and regulations promulgated by the Board pursuant to the authority granted under this Act.

SEC. 23. *Power to Investigate Violations.* - The General Manager, willingly or at the instance of a private person or the Board, may conduct investigations based on the procedures that the Board may prescribe in accordance with the provisions of the Rules of Court serving as supplemental guidelines.



SEC. 24. *Cease and Desist Order.* - The General Manager, after due investigation, may issue a cease and desist order to immediately halt any practice found to be in violation of the provisions of this Act. Such order shall be without prejudice to the civil or criminal prosecution of persons under the existing laws.

SEC. 25. *Pasig River Adjudication Panel.* - To carry out effectively the quasi-judicial powers of the Authority, there shall be created a Pasig River Basin Adjudication Panel, hereinafter referred to as the Adjudication Panel. The Adjudication Panel shall be composed of the General Manager as the Head, one (1) *ex-officio* board Member and one (1) board member from the private sector.

The Adjudication Panel shall have the following powers and functions:

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

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

SEC. 26. *Prohibited Acts.* - The following acts are prohibited:

- a) Discharging, depositing or causing to be deposited matter of any kind directly or indirectly along the margins or the water of the Pasig River, where the same shall be liable to be washed into surface water either by the tide, storm, floods or other occurrences which cause water pollution or impede the natural flow of the Pasig River;
- b) Discharging, injecting or allowing to seep into the soil or sub-soil any substance in any form that would pollute the Pasig River groundwater. In the case of geothermal projects, subject to the approval of the Authority, the



regulated discharge for short-term activities such as well testing, flushing, commissioning, venting and deep re-injection of geothermal liquids may be allowed: *Provided*, That safety measures are adopted to prevent the contamination of the groundwater;

- c) Operating facilities and discharging regulated water pollutants without the valid required permits or under a revoked permit in violation of any condition imposed by the Authority;
- d) Disposal of potentially infectious medical waste into the Pasig River and its 47 tributaries;
- e) Unauthorized transport or dumping of sewage sludge, solid waste, or commercial, industrial and institutional waste into the Pasig River and its 47 tributaries and waterways;
- f) Transporting, dumping or discharging of prohibited chemicals, toxic substances, hazardous and nuclear waste into the Pasig River;
- g) Operating facilities that discharge or allow to seep, willfully or through gross negligence, prohibited chemicals, toxic, hazardous and nuclear waste, or pollutants into the waterways wherein the same shall be washed into the surface and ground water of the Pasig River;
- h) Undertaking activities, development and expansion projects or operating wastewater and sewerage facilities in violation of Environmental Impact Statement System established under Presidential Decree No. 1586 and its implementing rules and regulations;
- i) Discharging regulated water pollutants without the valid required discharge permit pursuant to this Act or after the permit was revoked for any violation of the condition therein;
- j) Refusal to allow entry, inspection and monitoring by the Authority;
- k) Refusal to allow access by the Authority to relevant reports and records;
- l) Refusal or failure to submit reports whenever required by the Authority;
- m) Refusal or failure to designate pollution control officers whenever required by the Authority in accordance with this Act; and
- n) Directly using booster pumps in the distribution system or tampering with the water supply in such a way as to alter or impair the quality of water.

**SEC. 27. Penal Clause.** – Any person who commits any of the prohibited acts mentioned in Section 26 hereof or any rule and regulation promulgated pursuant thereto shall be punished by imprisonment of not less than (1) year but not more than three (3) years or a fine of not less than Ten thousand pesos (P10,000.00) but not more than Fifty Thousand Pesos (P50,000.00), or both.

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

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

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

SEC. 29. *Annual Fees.* - The Authority shall be authorized to collect annual fees from private business establishments, individual or corporation, including residential establishments such as townhouses, apartments, hotels, condominiums, condotels, medical hospitals and wet markets, both private and public, whose wastewater disposal facilities are connected to the sewerage system located within the Pasig River Basin System or which wastewater eventually drains or seeps to the Pasig River. The fees collected shall only be used for rehabilitation and sustainable development of the Pasig River Basin System.

SEC. 30. *Fiscal Autonomy.* - The Authority shall enjoy fiscal autonomy. All funds earned by the Authority from the collection or levy or from all fees, charges, dues, assessments and fines collected pursuant to this Act shall be used solely to fund its operations. The utilization of funds shall be subject to the examination of the Congressional Oversight Committee.

SEC. 31. *Capitalizations and Financing.* - The Authority shall have an authorized capital of Eight hundred million pesos (P800,000,000.00). The authorized capital shall be divided into eight million (8,000,000) shares of stock with a par value of One hundred pesos (P100.00) per share. The National Government shall subscribe to four million six hundred thousand (4,600,000) shares while the one million one hundred thousand (1,100,000) shares shall be subscribed by the local government units of Manila, Makati, Mandaluyong, Pasig, Taguig, Quezon City, San Juan, Marikina, Pasay, Taytay and Pateros at one hundred thousand (100,000) shares each. The balance of two million three hundred thousand (2,300,000) shares shall be open for subscription to private individuals or corporations within the Pasig River Basin System. The shares of stock shall be divided into five million six hundred thousand (5,600,000) ordinary voting shares and two million four hundred thousand (2,400,000) non-voting preferred shares.

SEC. 32. *Funding.* - The amount necessary to subscribe and pay for the remaining shares of the National Government to the capital stock of the Authority

shall be included in the annual General Appropriations Act. For LGUs, the funds for subscription shall be taken from their Internal Revenue Allotment and other local funds.

SEC. 33. *Exemption from Taxes, Customs and Tariff Duties.* - The importation of equipment, machineries, spare parts, accessories and other materials including supplies and services which are used solely and exclusively for the operations of the Authority and are not available locally shall be exempt from all direct and indirect taxes, wharfage fees and other charges. All obligations entered into by the Authority and any income derived therefrom, including those contracted with private international banking and financial institutions shall be exempt from all taxes including the principal and the interest. The Authority is also exempt from the payment of capital gains tax, documentary stamp tax, real property estate tax and all other local government taxes and fees.

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

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

SEC. 35. *Transitory Provision.* - The Pasig River Rehabilitation Commission (PRRC) is hereby dissolved upon the effectivity of this Act. All assets, liabilities, and projects of the PRRC shall automatically be transferred to the Pasig River Rehabilitation and Development Authority.

The officers and employees of the PRRC shall continue in a holdover capacity until such time as the new officers and employees of the Authority shall have been duly appointed pursuant to the provisions of this Act. All qualified regular or permanent employee who may be transferred to the Authority shall not suffer any loss in seniority or rank or decrease in emoluments. Any employee who cannot be absorbed by the Authority shall be entitled to a separation pay under existing retirement laws.

Qualified existing personnel of the Pasig River Rehabilitation Commission shall be given preference in the filling up of plantilla positions created in the Authority, subject to existing civil service rules and regulations.

SEC. 36. *Joint Congressional Oversight Committee.* - There is hereby created a Joint Congressional Oversight Committee to monitor the implementation of this Act and to review the implementing rules and regulations promulgated by the Authority. The Committee shall be composed of five (5) Senators and five (5) Representatives to be appointed by the Senate President and the Speaker of the House of Representatives, respectively. The Oversight Committee shall be co-chaired by the Chairpersons of the Committee on Environment of the Senate and the Committee on Ecology of the House of Representatives.

SEC. 37. *Implementing Rules and Regulations.* - Within ninety (90) days from the approval of this Act, The Board of Directors of the Authority shall issue the necessary rules and regulations for the effective implementation of this Act. The implementing rules and regulations shall be published in the *Official Gazette* or in a newspaper of general circulation.

SEC. 38. *Repealing Clause.* - Presidential Decree No. 274 issued on November 18, 1973 pertaining to the preservation, beautification, improvement and gainful utilization of the Pasig River, and Executive Order No. 54 issued on January 6, 1999, creating the Pasig River Rehabilitation Commission, are hereby repealed. All other laws, decrees, orders, rules and regulations or parts thereof, which are inconsistent with the provisions of this Act are hereby modified accordingly.

SEC. 39. *Separability Clause.* - If any provision of this Act is declared unconstitutional or invalid, the other provisions not otherwise affected shall remain in full force and effect.

SEC. 40. *Effectivity.* - This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,