



REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF THE INTERIOR
AND LOCAL GOVERNMENT

MANILA BAY

CLEAN-UP, REHABILITATION, AND PRESERVATION PROGRAM

IMPLEMENTING RULES AND REGULATIONS





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DEPARTMENT OF THE INTERIOR
AND LOCAL GOVERNMENT

MANILA BAY

IMPLEMENTING

RULES AND REGULATIONS 2021

BUREAU OF LOCAL GOVERNMENT SUPERVISION
MANILA BAY, CLEAN-UP, REHABILITATION, AND PRESERVATION PROGRAM



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MESSAGE OF THE SECRETARY

I heartily congratulate the Manila Bay Clean-up, Rehabilitation, and Preservation Program Project Management Office, under the aegis of the Department's Bureau of Local Government Supervision, and Program Management Team, for tirelessly working to redeem the former beauty and health of the Manila Bay.


I especially laud your efforts to produce this MBCRPP updated Implementing Rules and Regulations which would guide concerned local government units to carry out their functions and responsibilities in compliance with the Supreme Court mandamus to clean-up, rehabilitate, and preserve the once pristine shores of the Manila Bay.

Thank you for synchronizing the Department's steps with 12 other national agencies to ensure that the 187 LGUs in the bay's watershed area are fulfilling their mandates to push our advocacy for coastal revival forward.

While it may take several years to witness the full recovery of Manila Bay, I am certain that our regular conduct of assessments, capacity development interventions, technical assistance, support, and policy development strivings will surely push our dream for beach restoration closer to realization.

Hope is on the horizon. For this to come to fruition, the entire Department of the Interior and Local Government (DILG) commits to join hands with all key stakeholders, both public and private, in taking necessary steps to bring Manila Bay back to its glory days.

May we never falter in our passion and resolve despite that heavy trials waiting in store for us. And may we altogether save the Philippine's natural wealth and environmental future-starting with the clean-up, preservation, and rehabilitation of Manila Bay. Again, congratulations and keep up the good work!


EDUARDO M. AÑO
Secretary





MESSAGE OF THE ASSISTANT SECRETARY

The Manila Bay is one of the most significant areas in the country in terms of its invaluable contribution and impact to the economy, becoming the gateway for socio-economic development. However, as these various developments take place, the Bay was also made vulnerable to imminent threats that significantly degraded its natural environment.

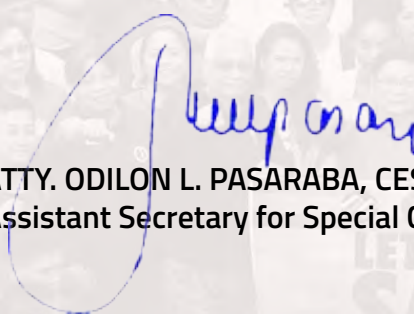
Since the issuance of the Supreme Court Continuing Mandamus in 2011 to concerned government agencies, including this Department, much have changed in the practices of local government units (LGUs) when it comes to environmental management.

The DILG, through the Manila Bay Clean-up, Rehabilitation, and Preservation Program (MBCRPP) has allied alongside LGUs in striving to fervently improve compliance to their functions and responsibilities under pertinent provisions of environmental laws and policies.

The rehabilitation of Manila Bay still has a long way to go. As there are no shortcuts in this extensive and challenging process, the efforts and active inclusion of each LGU and the whole of citizenry, are considerable need for the effective realization of the goal to restore the waters of the Bay to class SB. The Department, together with LGUs, will continue to stay true to its commitment to protect the environment, enhance the right of people to a balanced ecology, and ensure sustainable use of resources.

The DILG also calls on the public, as we all become fervent defenders, and stewards of our natural resources, and to be part of this significant development to preserve the pristine waters of our Manila Bay.

Congratulations to the DILG Manila Bay Clean-up, Rehabilitation, and Preservation Program!


ATTY. ODILON L. PASARABA, CESO III
Assistant Secretary for Special Concerns-Local Government Sector



MESSAGE OF THE BLGS DIRECTOR

This revised Implementing Rules and Regulations (IRR) of the Manila Bay Clean-up, Rehabilitation and Preservation Program provide for a better understanding of the accountability of Local Government Units (LGUs) in the upkeep of the Manila Bay, as well as guidance in ensuring the effective implementation of programs, projects, and activities to rehabilitate the Bay.

The right to a balanced and healthful ecology is guaranteed under our Constitution, and it is an inherent right that has existed since time immemorial. Amidst the challenges brought about by the COVID-19 pandemic, and natural disasters or calamities, the LGUs continue to be at the front line in making the environment within their areas of jurisdiction clean, safe, resilient, and sustainable. With the IRR as guide, the national and local governments can harmonize goals, targets, and actions to better respond to environmental issues and concerns during these challenging times. In a time when a big chunk of government resources go to pandemic response and rehabilitation efforts due to devastations brought about by recent calamities, it is essential that rules of procedures and processes are institutionalized to ensure that the government or society, as a whole, proceeds with the implementation of the program in an efficient and effective manner.

The rehabilitation of the Manila Bay, if fully realized, will greatly benefit the current generation, as well as the future generations of Filipinos. May this IRR serve as a roadmap for the DILG and the LGUs in pursuing genuine reforms in rehabilitating the Bay. It is only through the whole-of-government or whole-of-society approach can we truly realize the vision of a clean and sustainably preserved Manila Bay.

Let us continue to do our share in restoring Manila Bay to an environmentally-friendly and safe site, not only for tourism, but also for economic purposes, to eventually improve the quality of life of people living in the Bay area.

VIVIAN P. SUANSING
Director III/Officer-in-Charge
Bureau of Local Government Supervision



SAVE MANILA BAY

Manila Bay Inter-Agency Task Force

TABLE OF CONTENTS

IMPLEMENTING RULES AND REGULATIONS 2021

MANILA BAY CLEAN-UP, REHABILITATION, AND PRESERVATION PROGRAM

▪ SUPREME COURT DECISION (G.R. NOS. 171947-48)	-----	01 - 02
▪ THE 13 MANDAMUS AGENCIES		
▪ MANDATES OF THE DILG AND LGUS UNDER THE SC CONTINUING MANDAMUS	-----	02 - 03
▪ OPERATIONAL PLAN FOR THE MANILA BAY COASTAL STRATEGY (OPMBCS) AND THE MANILA BAY SUSTAINABLE DEVELOPMENT MASTER PLAN (MBSDMP)	-----	04 - 06
▪ THE MANILA BAY CLEAN-UP, REHABILITATION, AND PRESERVATION PROGRAM	-----	04 - 09

KEY PRIORITY AREAS OF THE MBCRPP

▪ LIQUID WASTE MANAGEMENT AND REDUCTION OF POLLUTION LOAD	-----	10 - 11
▪ SOLID WASTE MANAGEMENT	-----	11
▪ MANAGEMENT OF INFORMAL SETTLER FAMILIES AND REDUCTION OF EXPOSURE TO FLOODING	-----	12-13
▪ BIODIVERSITY CONSERVATION, FISHERIES RESOURCES MANAGEMENT, AND SUSTAINABLE TOURISM	-----	13-14
▪ IMPLEMENTATION OF THE MBCRPP	-----	14-15
▪ DILG MEMORANDUM CIRCULARS RELATIVE TO THE REHABILITATION OF MANILA BAY	-----	16 - 19

TABLE OF CONTENTS

ANNEXES

▪ ANNEX I - COVERAGE (MAP AND LIST OF LGUS)	20 - 24
▪ ANNEX II - SUPREME COURT MANDAMUS ORDER	25 - 63
▪ ANNEX III - ADMINISTRATIVE ORDER 16. S 2019	64 - 72



IMPLEMENTING RULES AND REGULATIONS

2021

MANILA BAY CLEAN-UP, REHABILITATION, AND PRESERVATION PROGRAM

LET US
SAVE MANILA BAY



Manila Bay Inter-Agency Task Force

INTRODUCTION



SUPREME COURT DECISION (G.R. NOS. 171947-48)

On December 18, 2008, the Supreme Court (SC) rendered a decision (G.R. Nos. 171947-48) ordering 13 national government agencies (NGAs), including the Department of the Interior and Local Government (DILG, the Department) to clean-up, rehabilitate and preserve the Manila Bay, and restore and maintain its waters to SB level to make it fit for swimming, skin-diving, and other forms of contact recreation. The case emanated from a complaint filed by the Concerned Residents of Manila Bay on January 29, 1999 before the Regional Trial Court (RTC) in Imus, Cavite against several government agencies, on the deteriorating state of the Manila Bay. On September 13, 2002, the RTC rendered a Decision in favor of respondents. The mandamus agencies then filed for an appeal, to which the Court of Appeals rendered a decision sustaining the RTC's ruling. The said decision was further strengthened through the approval on 11 February 2011 of the Court En Banc resolution, stipulating specific directives for the mandamus agencies.

THE 13 MANDAMUS AGENCIES

The DILG is the agency tasked with monitoring LGU performance in relation to its compliance with the mandates and responsibilities under environmental laws that support the rehabilitation of Manila Bay. The Department of Environment and Natural Resources (DENR), as the lead agency, has the responsibility to harmonize all the efforts of the mandamus agencies through its Manila Bay Coordinating Office (MBCO).

The government agencies under the SC Continuing Mandamus are the following:

- a. Department of Environment and Natural Resources (DENR)
- b. Department of the Interior and Local Government (DILG)
- c. Department of Public Works and Highways (DPWH)
- d. Department of Health (DOH)
- e. Department of Agriculture (DA)
- f. Department of Budget Management (DBM)
- g. Metro Manila Development Authority (MMDA)
- h. Local Water Utilities Administration (LWUA)
- i. Metropolitan Waterworks and Sewerage System (MWSS)
- j. Department of Education (DepEd)
- k. Philippine Coast Guard (PCG)
- l. Philippine National Police-Maritime Group (MP-PNP)
- m. Philippine Ports Authority (PPA)

Administrative Order (AO) No. 16 series of 2019 was issued by the Office of the President: "Expediting the Rehabilitation and Restoration of the Coastal and Marine Ecosystem of the Manila Bay and Creating the Manila Bay Task Force" to facilitate the robust and integrated implementation of all rehabilitation and restoration efforts in the Manila Bay by the private and public stakeholders. In the said Administrative Order, the Department acts as one of the Vice-Chairpersons.

MANDATES OF THE DILG AND LGUS UNDER THE SC CONTINUING MANDAMUS

As ruled by the SC in its decision (G.R. Nos. 171947-48), the DILG is directed to fulfill the following functions:

- *"..direct all LGUs to inspect all factories, commercial establishments, and private homes along the banks of the major river systems in their respective areas of jurisdiction... to determine whether they have wastewater treatment facilities or hygienic septic tanks as prescribed by existing laws, ordinances, and rules and regulations."*
- *"Coordinate with the MMDA and DPWH to dismantle and remove all structures, constructions, and other encroachments established or built in violation of RA 7279 and other applicable laws"*
- *"..submit to the Court a quarterly progressive report of the activities undertaken in accordance with this Decision"*
- *"..submit a five-year plan of action that will contain measures intended to ensure compliance of all non-complying factories, commercial establishments, and private homes"*

In addition to the above-mentioned mandates, the LGUs shall also:

- *"Be ordered to require non-complying establishments and homes to set up said facilities or septic tanks within a reasonable time to prevent industrial wastes, sewage water, and human wastes from flowing into these rivers, waterways, esteros, and the Manila Bay, under pain of closure or imposition of fines and other sanctions."*

- *“.. shall submit to the DILG.. their respective compliance reports which will contain the names and addresses or offices of the owners of all the non-complying factories, commercial establishments and private homes, copy furnished the concerned environmental agency, be it the local DENR office or the Laguna Lake Development Authority.”*
- *Together with DILG.. “shall consider providing land for the wastewater facilities of the Metropolitan Waterworks and Sewerage System (MWSS) or its concessionaires (Maynilad and Manila Water, Inc.) within their respective jurisdictions”*
- *With the assistance of the DA-BFAR, “develop, using recognized methods, the fisheries and aquatic resources in the Manila Bay.”*
- *Together with MMDA, the seventeen (17) LGUS in NCR shall “submit a report on the average amount of garbage collected monthly per district in all the cities in Metro Manila”*
- *Together with DPWH, “submit the names and addresses of the informal settlers in their respective areas who.. own or occupy houses, structures, constructions, and other encroachments built along the Meycauayan-Marilao-Obando (Bulacan) Rivers, the Talisay (Bataan) River, the Imus (Cavite) River, the Laguna de Bay, and other rivers, connecting waterways and esteros that discharge wastewater into the Manila Bay, in breach of RA 7279 and other applicable laws”*
- *Together with the DPWH, “submit their plan for the removal of said informal settlers and the demolition of the aforesaid structures, constructions and encroachments, as well as the completion dates for such activities”*





OPERATIONAL PLAN FOR THE MANILA BAY COASTAL STRATEGY (OPMBCS) AND THE MANILA BAY SUSTAINABLE DEVELOPMENT MASTER PLAN (MBSDMP)

The OPMBCS outlines the actions and specific projects that would result to the realization of the stakeholders' shared vision for Manila Bay and to the Court's order of cleaning up, rehabilitating and restoring the Bay's water to SB Class. Success indicators and offices responsible for its attainment are indicated, to aid in measuring and monitoring the progress, as well as in evaluating the effectiveness of the initiatives.

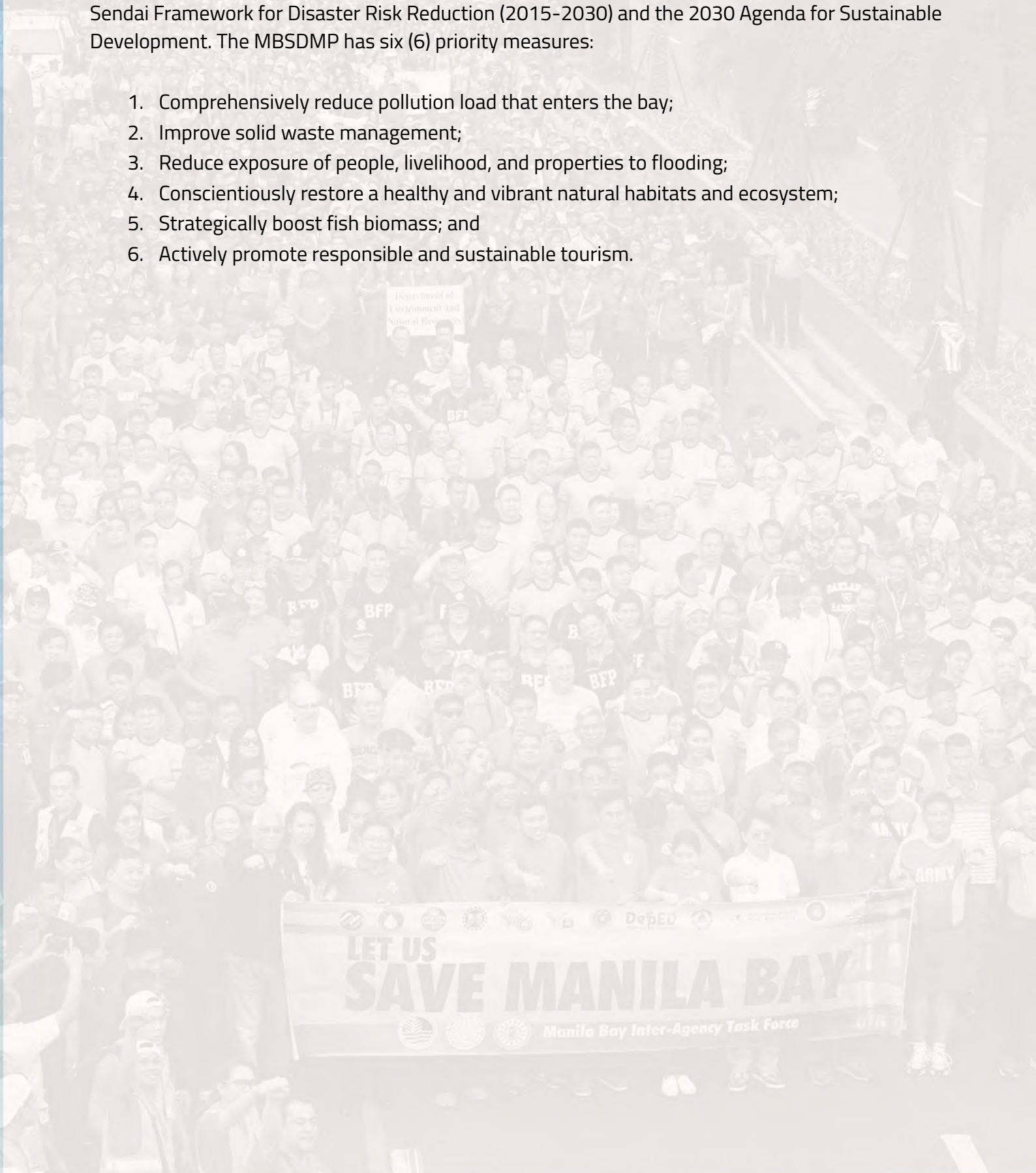
The first OPMBCS was endorsed to the Supreme Court- Manila Bay Advisory Committee (SC-MBAC) last June 2011, for review and approval. Two (2) OPMBCS have already been drafted since, the first covers the period from 2013-2017, and the second covers the period from 2018-2022.

OUTCOME AREAS

1. Liquid waste discharging into Manila Bay in compliance with effluent (General Effluent Standard) and/or ambient water quality with the water quality guidelines
2. Solid waste ending up in Manila Bay reduced;
3. Houses, structures, construction and other encroachments along easement areas in rivers, waterways, esteros, lake and bay coastlines within the Manila Bay Region permanently removed;
4. Soil loss in Manila Bay Watershed reduced;
5. Existing biodiversity areas within Manila Bay Region protected and conserved;
6. OPMBCS properly implemented

The Manila Bay Sustainable Development Master Plan (MBSDMP) is an inclusive master plan for the sustainable development of Manila Bay, intended to be implemented within a 22-year period that will end in CY 2040. The plan is consistent with the Philippine Development Plan (PDP), contribute to the achievement of the AmBisyon Natin 2040 vision, and support the agreements under the Sendai Framework for Disaster Risk Reduction (2015-2030) and the 2030 Agenda for Sustainable Development. The MBSDMP has six (6) priority measures:

1. Comprehensively reduce pollution load that enters the bay;
2. Improve solid waste management;
3. Reduce exposure of people, livelihood, and properties to flooding;
4. Conscientiously restore a healthy and vibrant natural habitats and ecosystem;
5. Strategically boost fish biomass; and
6. Actively promote responsible and sustainable tourism.





THE DILG MANILA BAY CLEAN-UP, REHABILITATION, AND PRESERVATION PROGRAM (MBCRPP)

The DILG, through its mandate of general supervision over local government units (LGUs) gives primacy to develop and scale up the capacity of LGUs to become environment-protective, climate change adaptive, and disaster resilient. For the promotion of public interest, the rights of every Filipino citizen to a balanced and healthful ecology under the constitution, and the DILG's continued compliance to the mandate to clean-up, rehabilitate and preserve the Manila Bay, the Manila Bay Clean-up, Rehabilitation, and Preservation Program is created. The MBCRPP Program Management Office (PMO) shall be the office responsible in complying with the directives for the DILG under the SC Continuing Mandamus. It is currently lodged under the Bureau of Local Government Supervision (BLGS), and directly supervised by the Office of the Assistant Secretary for Special Concerns- Local Government Sector (OASSC-LGS) by virtue of Department Order No. 2020-597.

The Program shall always trace its wisdom and basis on the SC continuing mandamus, the responsibilities of the Department as stated in the jurisprudence, existing laws and policies in support of the program, and the LGUs Outcome Areas stated in the Operational Plan for the Manila Bay Coastal Strategy (OPMBCS), and the Manila Bay Sustainable Development Master Plan (MBSDMP).

Directly reporting to the MBCRPP-PMO are the MBCRPP- Program Management Teams (PMTs) of Regions III, IV-A, and the NCR, under the supervision of the respective Regional Offices, which have their own assigned Focal Persons and Program Officers, who cater to the implementation of the Manila Bay Program in their respective areas. The MBCRPP-PMTs directly coordinate with the LGUs to provide them with the necessary assistance in order to perform actions and duties that will service the attainment of the targets and goals of the MBCRPP.

Manila Bay Inter-Agency Task Force

THE MBCRPP PROGRAM MANAGEMENT OFFICE (PMO)

The MBCRPP-PMO, through, and in partnership with the DILG Regional Offices of III and IV-A, and the NCR shall:

- a. Monitor the One Hundred Eighty-Seven (187) LGUs within the Manila Bay watershed area on the fulfillment of their roles and functions under the OPMBCS, and environmental laws that support the rehabilitation of Manila Bay;
- b. Provide capacity development and trainings to capacitate the MBCRPP-Program Management Teams, concerned DILG personnel, and LGUs in the performance of their deliverables under the SC Mandamus, the OPMBCS, and related commitments and duties;
- c. Formulate and propose for implementation additional performance indicators for LGUs and the Department, taking into consideration the need and its possible impact to the overall status of the mandate to rehabilitate and preserve the Manila Bay;
- d. Formulate policy recommendations and position papers to serve as guidelines to the LGUs in fulfilling functions and responsibilities under the Program;
- e. Review the legality and feasibility of proposed measures and actions relative to the Program's functions;
- f. Develop necessary guidelines and issuances to assist LGUs in the implementation of their mandates and responsibilities under the Program;
- g. Devise reports and other legal documents necessary in assessing legal compliance of local governments with regard to Manila Bay related laws and policies;
- h. Develop mechanisms for auditing LGUs with regard to their compliance to existing environmental laws and policies in relation to the goals of the Manila Bay Program;
- i. Develop incentivized systems that will recognize LGUs with exemplary compliance and performance on the implementation of the Program;
- j. Take charge of the implementation of the Manila BAYani Awards and Incentives;
- k. Establish, maintain, and operate inter-agency technical working groups in the formulation of policies and guidelines for the different activities of the program;
- l. Closely coordinate with National Government Agencies (NGAs), Civil Society Organizations (CSOs), and People's Organization (POs) to strengthen stakeholders' participation and promote an inclusive and holistic approach in the implementation of the activities of the Program;
- m. Submit quarterly reports of LGU performance to the Supreme Court;
- n. Develop a Database System that will enable efficient data collection, storage, and consolidation, which will serve as basis in the analysis of data relative to the Program;
- o. Develop IEC materials, and advocacy plans, and programs;
- p. Develop necessary Monitoring and Evaluation templates and forms, that shall be used for the gathering of, and consolidation of Manila Bay related data;
- q. Serve as the designated office of the Department to head and facilitate the LGU Compliance Assessment tool;
- r. Serve as a recommendatory office of the Department with regard to the drafting,

- formulation, and issuance of policies to affect the goals of the Program
- s. Serve as the main implementer of the Department's Fisheries Compliance Audit; and
 - t. Perform such other functions as may be instructed by top management

Under the OASSC-LGS, the Program Management Office also caters to concerns relating to environmental management and governance

THE MBCRPP PROJECT MANAGEMENT TEAMS (MBCRPP-PMTS)

The PMTs shall be responsible in fulfilling the applicable tasks and functions of the PMO within their respective jurisdictions. The PMTs shall serve as the main linkage of the Program to the LGUs to ensure its effective implementation. In addition, the PMTs shall:

- a. Monitor the One Hundred Eighty-Seven (187) LGUs within the Manila Bay watershed area in the fulfillment of their roles and functions under the OPMBCS, and environmental laws that support the rehabilitation of Manila Bay, specifically on:
 - LGUs' conduct of inspection of all factories, commercial establishments, and private homes to determine whether structures have wastewater treatment facilities or septic tanks as prescribed by existing laws, ordinances, and rules and regulations;
 - LGUs' actions in requiring non-complying establishments and homes to set up wastewater treatment facilities or septic tanks within a reasonable time to prevent industrial wastes, sewage water, and human wastes from flowing into these rivers, waterways, esteros, and the Manila Bay, and in imposing penalties such as non-renewal of business permit or imposition of fines and other sanctions;
 - LGUs' compliance to key provisions under R.A. No. 9003 such as, but not limited to the existence of the 10-year solid waste management board and plan, mandatory segregation of wastes at source, mandatory segregated collection system, functional materials recovery facilities (MRFs), waste diversion strategies, approved disposal Facility, and implementation of policies and ordinances related to wastes management;
 - LGUs' actions to prevent the proliferation of informal settlements, to develop relocation projects, to provide decent and affordable housing, to maintain its cleared areas, and to comply to other pertinent provisions of R.A. No. 7279;
 - LGUs' actions on the reduction of exposure and vulnerability of their respective jurisdictions to climate change and other natural hazards, and to comply to other pertinent provisions of R.A. No. 10121 and R.A. No. 9729;
 - LGUs' actions on the management of its municipal waters, conservation and protection of key biodiversity areas and species, and LGUs' compliance to its responsibilities under R.A. No. 8550, as amended by R.A. No. 10654;
 - LGUs' action to improve its local governance and institutional mechanisms in support of the Manila Bay Rehabilitation Program, and LGUs' fulfillment of its related functions and duties under R.A. No. 7160;
- b. Provide technical assistance to LGUs on the drafting of their sectoral plans, such as but not

- limited to the 10-Year Solid Waste Management Plan, Local Shelter Plan, Resettlement and Relocation Action Plan, Strategic Communication Plan, Coastal Resource Management Plan, Disaster Risk Reduction Management Plan, and Local Climate Change Adaptation Plan;
- c. Provide assistance to LGUs in updating and mainstreaming DRR-CCA and Environmental Management in their Local Development Plans and Budget Tools, such as but not limited to the Comprehensive Land Use Plan, Comprehensive Development Plan, Local Development Investment Program, and Annual Investment Program;
 - d. Provide assistance to LGUs in organizing and strengthening institutional mechanisms that will support the implementation of the program, such as the Solid Waste Management Board, Local Housing Board, Local Committees and/or Similar Bodies Against Squatting Syndicates and Professional Squatters (LCASSPs), Manila Bay Task Force, etc.;
 - e. Provide capacity development and trainings relative to widening the knowledge and improving skills and capacity of LGUs and officials, to be able to fulfill their functions under the Program;
 - f. Establish, maintain, and operate regional inter-agency technical working groups for the formulation of policies and guidelines of the different activities of the program;
 - g. Closely coordinate with other NGAs, CSOs, and POs to strengthen stakeholders' participation and promote an inclusive and holistic approach in the implementation of the activities of the program;
 - h. Provide sound recommendations and analysis of LGUs' implementation status relative to the program, through the analysis of quarterly data reports submitted by the LGUs;
 - i. Consolidate the LGUs' quarterly data report submission and submit a comprehensive report of LGUs performance to the MBCRPP-PMO on a quarterly basis;
 - j. Regularly submit to the MBCRPP-PMO the status of activities and programs of the PMTs based on their Operational Plan and Budget;
 - k. Assist in formulating and proposing for implementation, additional performance indicators for LGUs and the Department, taking into consideration the need and its possible impact to the overall status of the mandate to rehabilitate and preserve the Manila Bay;
 - l. Provide assistance in the development of mechanism for auditing LGUs with regard to their compliance to existing environmental laws and policies in relation to the goals of the Program;
 - m. Provide key inputs to enhance the Manila Bayani- Data Capture Forms (MB-DCF) Online System;
 - n. Serve as the regional counterpart of the Department to facilitate the LGU Compliance Assessment and Manila Bayani Awards and Incentives;
 - o. Serve as a recommendatory regional equivalent of the Department with regard to the drafting, formulation, and issuance of policies to affect the goals of the Program; and
 - p. Perform such other functions as may be instructed by the PMO, and the top management.

ORGANIZATIONAL STRUCTURE

The MBCRPP-PMO is under the Bureau of Local Government Supervision, and where its operations is directly supervised by the Office of the Assistant Secretary for Special Concerns-Local Government Sector (OASSC-LGS). The MBCRPP-PMO, which shall consist of the following:

- a. Program Head;
- b. Assistant Program Head;
- c. Legal Officer/s;
- d. Budget and Financial Officer;
- e. Project Development Officers for the following:
 - i. Liquid Waste Management and Environmental Governance;
 - ii. Fisheries Resource Management and Biodiversity Conservation;
 - iii. Solid Waste Management, LGU Compliance Assessment, and Awards and Incentives Programs; and
 - iv. Informal Settler Families Management, and Disaster-Risk Reduction Management and Climate Change Adaptation;
- f. Information Technology Officer/s; and
- g. Administrative Assistant/s.

The DILG Regional Offices of III, IV-A, and the NCR shall also have its respective MBCRPP Program Management Team (PMTs) to effectively carry out the activities of the program. To increase efficiency in the implementation, the MBCRPP- PMTs (Regions III and IV-A) may hire additional staff at the provincial level, as deemed necessary. To strengthen performance and capability in the operation and management of the MBCRPP, the PMO and PMTs shall be supported by staff and personnel on Contract of Service, which best responds to their operational needs.

In the assignment of compensation, the rates shall be in accordance with those established under the Civil Service Law and the Standardized Schedule of Compensation Rates for Project Positions under Contract of Service in the DILG.

FUNDING SOURCE

All expenses in the operation of the PMO and PMTs and the conduct of the program's activities shall be chargeable against the MBCRPP Fund.

It shall be the task of the PMO to annually request from the Department of Budget Management, through the DILG Central Office Management, the provision of the necessary funds in support of the Program. The PMO is also given the authority to find other fund sources in the form of tie-ups with other mandamus agencies and through the benevolence of international and local organizations

COVERAGE

The program shall cover One Hundred Eighty-Seven (187) LGUs under the Manila Bay watershed area. These LGUs shall be the target LGUs of the Department with regard to its capacity building activities and other related actions in reference to the SC Mandamus.

KEY PRIORITY AREAS OF THE

MBCRPP

1. LIQUID WASTE MANAGEMENT AND REDUCTION OF POLLUTION LOAD

The Compliance of LGUs on the inspection of commercial establishments (CEs), factories (Fs), and private homes (PHs), on having adequate wastewater treatment facilities and septic tanks are constantly being monitored by the MBCRPP-PMT, with focus on LGUs with low compliance. Wastewater treatment facilities of commercial establishments and factories must pass in terms of design standards and functionality as determined by national laws and policies, to be considered compliant. Private Homes are inspected in terms of having septic tanks that are in compliance with the design standards set by the IRR of Presidential Decree (P.D) No. 856 or the Sanitation Code of the Philippines.

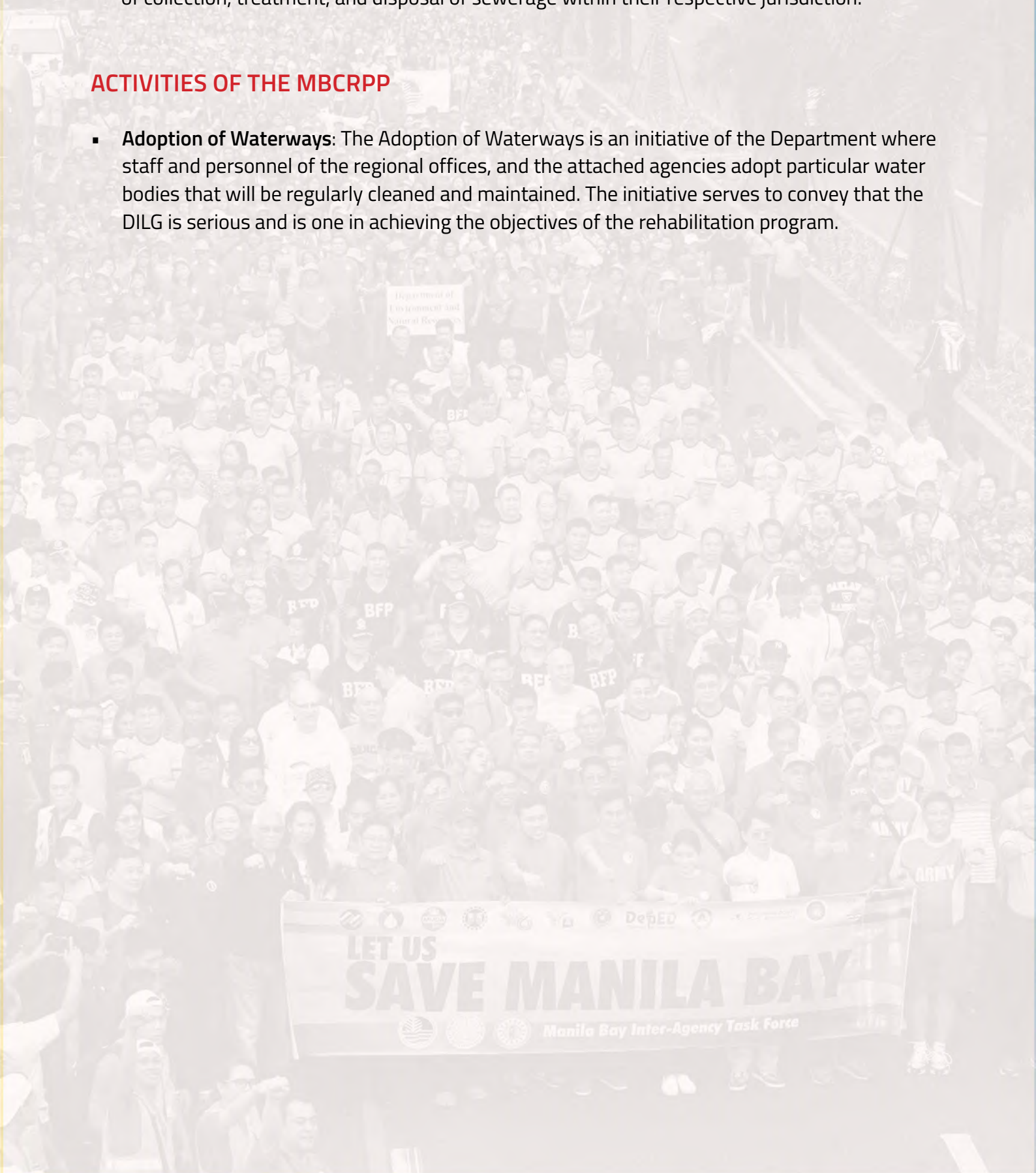
Pursuant to R.A. No. 9275 or the Philippine Clean Water Act of 2004, R.A. No. 7160 or the Local Government Code of 1991, Presidential Decree No. 856: Code of Sanitation of the Philippines, the OPMBCS and the MBSDMP, the LGUs are expected to fulfill the following duties and responsibilities:

1. Inspect and monitor commercial establishments and factories, with regard to the presence or absence of wastewater treatment facilities or septage treatment plants, and private homes with regard to the existence of septic tanks. For permits, LGUs shall ensure that CE and Fs have the necessary Environmental Compliance Certificate (ECC) and discharge permit;
2. Develop and maintain a data inventory of the compliance of commercial establishments, private homes, and factories with regard to the presence or absence of septic tanks or sewerage treatment facilities and desludging. These data inventories must be updated on a regular basis;
3. Stop direct discharge of untreated sewage to coastal waters and rivers from informal structures;
4. Ensure strict compliance of General Effluent Standards Requirements in the issuance and renewal of Business Permits;
5. Issue Notices of Violation (NOVs) for non-compliant CE, Fs, and PHs, and regularly update the data inventories to reflect changes in terms of structures that have already complied;
6. Assist government agencies in the survey and mapping of non-compliant structures to identify pollution sources
7. Monitor and regularly update the inventory of private homes not connected to any water concessionaire, on their compliance to sanitation, and availing of sanitation services (desludging) every five (5) years, or as the need arises;
8. Identify available land and right of way for the construction of sewerage and septage treatment facility;
9. Create and implement ordinances relevant to sanitation (Septage and Sewerage Management

- Ordinance);
10. Participate in Water Quality Management Area (WQMA) Activities, and Board Meetings; and
 11. Regulate and ensure that only accredited service providers may be allowed to engage in process of collection, treatment, and disposal of sewerage within their respective jurisdiction.

ACTIVITIES OF THE MBCRPP

- **Adoption of Waterways:** The Adoption of Waterways is an initiative of the Department where staff and personnel of the regional offices, and the attached agencies adopt particular water bodies that will be regularly cleaned and maintained. The initiative serves to convey that the DILG is serious and is one in achieving the objectives of the rehabilitation program.



2. SOLID WASTE MANAGEMENT

The pollution brought about by improper wastes management is a contributor to the continuous degradation of coastal areas and waterways and that lead to the Manila Bay. The wastes and marine debris can impair ecosystems and habitats, deteriorate aesthetics, and pose public health risks not just to humans, but to marine species as well. It aggravates the flooding problems especially during the rainy seasons, due to the clogging of pumping stations and drainages.

LGUs' performance and compliance to their mandates on proper solid waste management is monitored by the MBCRPP as part of the holistic approach in improving environmental management strategies for the rehabilitation of Manila Bay. Through proper waste management, the Department hopes marine debris and solid wastes that end-up in the bay is reduced.

Pursuant to R.A. No. 9003 or the Ecological Solid Waste Management Act of 2000, R.A. No. 7160, and the OPMBCS and the MBSDMP, the LGUs are expected to fulfill the following duties and responsibilities:

1. Formulate and implement the 10-Year Solid Waste Management Plan (SWMP);
2. Create the City/ Municipal Solid Waste Management Committee/ Board (SWMB) where members of such is stated under Section 12 of R.A. No. 9003;
3. Enjoin the creation of Barangay Ecological Solid Waste Management Committees (BESWMC) and monitor functionality of the Committees;
4. Further capacitate and strengthen the BESWMC to become fully organized and functional;
5. Ensure that all households are serviced by waste haulers that implement a scheduled segregation collection system;
6. Implement and monitor mandatory segregation of wastes at source;
7. Dispose Residual Wastes in a Sanitary Landfill (SLF) or approved disposal facility, through construction of own SLF or entering into Memorandum of Agreement (MOA) with an LGU with SLF, or a private service provider. LGU's Residual Containment Area (if applicable) must adhere to the standards of the National Solid Waste Management Commission (NSWMC);
8. Establish and maintain a functional City/Municipal Materials Recovery Facility (MRF), and ensure that all barangays have functional MRFs or Materials Recovery Systems (MRS);
9. Formulate and maintain a data inventory of existing junk shops (include those which the barangays have a MOA with, as part of their alternative materials recovery systems);
10. Ensure the closure and rehabilitation of open and controlled dumpsites;
11. Conduct of Waste Diversion Activities in accordance to the LGUs' 10-Year SWM Plan;
12. Establish or adopt, and implement solid waste management ordinances;
13. Establish an institutional set-up for Solid Waste Management through the Municipal/ City Environment and Natural Resources Office (M/CENRO);
14. Conduct and document the weekly or monthly clean-up activities, and ensure timely submission of accomplished reporting template; and
15. Ensure proper management, treatment, and disposal of healthcare wastes.

3. MANAGEMENT OF INFORMAL SETTLER FAMILIES AND REDUCTION OF EXPOSURE TO FLOODING

Informal dwellers, as defined by the Philippine Statistics Office (PSA) are 'one who settles on the land of another without title or right, or without the owner's consent, whether in urban or rural areas'. Article 51 of the Water Code of the Philippines states easement areas and salvage zones are subject to public use, and no person shall be allowed to stay in these zones, or build structures of any kind.

Houses, structures, and other encroachments along the easement areas of waterways and other danger zones shall be permanently removed, to ensure the safety of informal settler families (ISFs), and to provide access to decent and affordable housing.

Upgrading the status of ISFs should not only address the unavailability of affordable housing options and limited access to waste management facilities, but should also ensure equitable share of economic growth, improve the overall well-being, and secure the safety of people from effects of climate change and natural disasters.

Pursuant to R.A. No. 7279 or the Urban Development and Housing Act of 1992, R.A. No. 10121 or the Philippine Disaster Risk Reduction and Management Act of 2010, R.A. No. 7160, and the OPMBCS and the MBSDMP, LGUs are expected to fulfill the following duties and responsibilities:

1. Prevent the proliferation of ISFs within their territorial jurisdiction;
2. Establish a Local Housing Governing Body/ Board through Sanggunian Resolution or Ordinance prescribing its specific functions and responsibilities;
3. Ensure regular conduct of meetings of the LHB;
4. Develop and regularly update the data inventory of ISFs along waterways and tributaries;
5. Formulate and implement a Local Shelter Plan (LSP);
6. Formulate and implement the Relocation and Resettlement Action Plan (RRAP) (if applicable);
7. Develop Socialized Housing Projects for ISFs along waterways and tributaries;
8. Implement programs, projects, and activities in relation to providing ISFs access to decent and affordable housing, or conduct activities geared towards decongestion or decentralization of ISF population;
9. Clear or dismantle structures, constructions, and other encroachments established or built in violation of R.A. No. 7279;
10. Update the Registry of Barangay Inhabitants to include informal settlements and inhabitants, and its location;
11. Prevent the proliferation of Professional Squatters and Squatting Syndicates through regular inspection, creation of Local Council Against Squatting Syndicates and Professional Squatters, and imposition of penalties, and institution of criminal cases;
12. Maintain cleared, unoccupied areas, and recovered easements through the enactment of an ordinance, declare danger areas as no-build zones,

13. Integrate disaster risk reduction measures into the local Comprehensive Development Plan (CDP) and Comprehensive Land Use Plan (CLUP); and
14. Formulate and implement their Disaster Risk Reduction Management Plan (DRRMP) and Local Climate Change Adaptation Plan (LCCAP).

4. BIODIVERSITY CONSERVATION, FISHERIES RESOURCE MANAGEMENT, AND SUSTAINABLE TOURISM

Unabated pollution leads to serious threats to the ecosystems and species in the Manila Bay. Ecosystem and biodiversity conservation, together with the improvement of water quality, are viewed to have strong linkage for the successful rehabilitation of the Bay. The marine species and ecosystems are drivers of economic growth and contribute to the reduction of exposure to disasters and vulnerability to impacts of climate change.

Pursuant to Republic Act No. 8550 or the “Philippine Fisheries Code of 1998”, as amended by R.A. No. 10654, and R.A. No. 7160, and the OPMBCS and the MBSDMP, the LGUs are expected to fulfill the following duties and responsibilities:

1. Regulate and monitor fishery activities, and strictly enforcement and implement fisheries rules and regulations in Municipal Waters;
2. Formulate and implement Community-based Fisheries and Coastal Resource Management Plan, or mainstream such in the local development plans (CLUP and CDP);
3. Draft, enact/ adopt, and/ or implement a Basic Municipal Fisheries Ordinance;
4. Formulate Tourism Development Plans; and
5. Create or activate their Fisheries and Aquatic Resources Management Council at the City/ Municipal, and Barangay levels.

ACTIVITIES OF THE MBCRPP

- **Monitoring of LGUs’ Compliance through the Fisheries Compliance Audit:** The Fisheries Compliance Audit was created by this Department to monitor compliance of LGUs to R.A. No. 8550 or the Philippine Fisheries Code of 1998, as amended by R.A. No. 10654. The audit tool was drafted together with partner agencies and non-government organizations (NGOs). The tool is utilized by the thirty-four (34) coastal LGUs in the Manila Bay Region.

Region III (20 LGUs)	
Province of Pampanga (4 LGUs)	Province of Bulacan (5 LGUs)
<ol style="list-style-type: none"> 1. Municipality of Lubao 2. Municipality of Macabebe 3. Municipality of Masantol 4. Municipality of Sasmuan 	<ol style="list-style-type: none"> 1. Municipality of Obando 2. Municipality of Bulacan 3. Municipality of Paombong 4. Municipality of Hagonoy 5. City of Malolos

Province of Bataan (11 LGUs)	
1. Municipality of Samal	6. Municipality of Orani
2. Municipality of Abucay	7. Municipality of Bagac
3. Municipality of Morong	8. Municipality of Orion
4. Municipality of Hermosa	9. Municipality of Limay
5. City of Balanga	10. Municipality of Mariveles
	11. Municipality of Pilar

Region IV-A (9 LGUs)	
Province of Cavite (9 LGUs)	
1. City of Cavite	6. Municipality of Naic
2. City of Bacoar	7. Municipality of Maragondon
3. Municipality of Ternate	8. Municipality of Noveleta
4. Municipality of Tanza	9. Municipality of Kawit
5. Municipality of Rosario	
NCR (5 LGUs)	
1. City of Las Piñas	4. City of Pasay
2. City of Navotas	5. City of Parañaque
3. City of Manila	

5. IMPLEMENTATION OF THE MBCRPP

The information, education, and communication (IEC) activities, conduct of compliance assessments, institutionalization of a rewards system, data and reports submission, and other technical assistance provided to the LGUs related to the Manila Bay rehabilitation program, are all geared towards ensuring that the objectives of the MBCRPP are achieved.

ACTIVITIES OF THE MBCRPP

- Local Government Units Compliance Assessment:** The LGU Compliance Assessment was introduced in 2017 to serve as a mechanism in monitoring the compliance of LGUs within the Manila Bay watershed area with regard to their adherence to the SC continuing Mandamus. The assessment aims to increase the enforcement of the program, and to effectively keep track the LGUs' compliance to the environmental laws that support the rehabilitation of Manila Bay. LGUs whose overall score ranks lowest may be endorsed to the Office of the Ombudsman for possible filing of complaints.

The LGU Compliance Assessment is conducted by the MBCRPP, together with partner agencies and organizations. Interagency committees at the Regional and National Level are created for conduct of the assessments. The indicators and tools used are developed

annually, based on the results of the previous assessments, to improve and ensure that the tool can accurately measure and depict the compliance status of the LGUs.

The assessment at the Regional Level is conducted by the Regional Interagency Committee (RIAC) and consists of a table assessment and on-site inspection. During the table assessment, the LGUs are requested to present the documents that can prove their compliance based on the set of indicators developed. The on-site inspection will only be required for all LGUs in the NCR, and LGUs in Regions III and IV-A that qualified in the regional Manila BAYani Awards and Incentives, and LGUs with a table assessment score below 70% based on the tool.

The RIAC, through the MBCRPP-PMTs shall endorse the results of the Regional Assessment, which shall be presented to the National Interagency Committee (NIAC). Based on the presented results, the NIAC shall determine the LGUs under a) Rewards and Recognition Validation and b) Complaint Filing Validation for failure to implement existing environmental laws. The identified LGUs shall be subjected to the National Validation.

- **Manila BAYani Awards and Incentives (MBAI):** The Manila BAYani Awards and Incentives (MBAI) is an initiative of the DILG to grant cash incentives to LGUs that have shown exemplary performance in meeting specific indicators of the Program. It was introduced in 2014, as part of the Environmental Compliance Audit (ECA), a tool focused on the assessment of LGUs' performance and compliance to R.A. No. 9003, or the Ecological Solid Waste Management Act of 2000. Starting 2019, the scope of the MBAI was expanded to cover the outcome areas under the LGU Compliance Assessment, namely: Liquid Waste Management, Solid Waste Management, Management of ISFs, and IEC and Institutional Arrangement (IA).

Based on the results of the assessment, the RIAC identifies the respective regional top-performing city and municipality which shall be endorsed to the NIAC for the MBAI National Validation. The identified LGUs shall meet the criteria set in the DILG MC to qualify to the national validation. The tool to be used shall be developed by the MBCRPP together with the NIAC.

SUBMISSION OF MANILA BAYANIHAN FORMS THROUGH THE MB-DCF ONLINE SYSTEM

- Manila Bayanihan-Data Capture Forms (MB-DCF) Online System shall be used as the main tool for the reporting, consolidation, and analysis of data provided by the LGU.
- The LGUs are expected to quarterly submit its data relative to their performance and compliance to the outcome areas and indicators monitored by the MBCRPP.



REGULAR ACTIVITIES OF THE MBCRPP

MBCRPP Quarterly Coordination Meeting

The MBCRPP PMO and PMTs shall regularly conduct coordination meetings to properly monitor and coordinate the activities of the program. Said meetings are intended to harmonize Manila Bay rehabilitation-related efforts of different offices of the Department, as well as activities and efforts of other government agencies, and the LGUs.

Crafting of Indicators and Tools for the Assessment

The tools and indicators to be used in the assessment of LGU performance (LGU Compliance Assessment and MBI) shall be developed in a concerted effort, together with partner agencies and organizations. Meetings shall be conducted to convene the interagency committees for the formulation of tools and indicators, and for the implementation of the MBCRPP projects and activities that need the participation of the body.

Assessment and Validation of LGUs' Compliance

Compliance data of each LGU is submitted to the MBCRPP-PMTs, on a quarterly basis, to regularly keep track of the progress in the implementation of the Program. The LGU Compliance Assessment is conducted annually together with partner government agencies, to holistically assess and validate the performance of LGUs and recommend actions for improvement.

Capacity Building

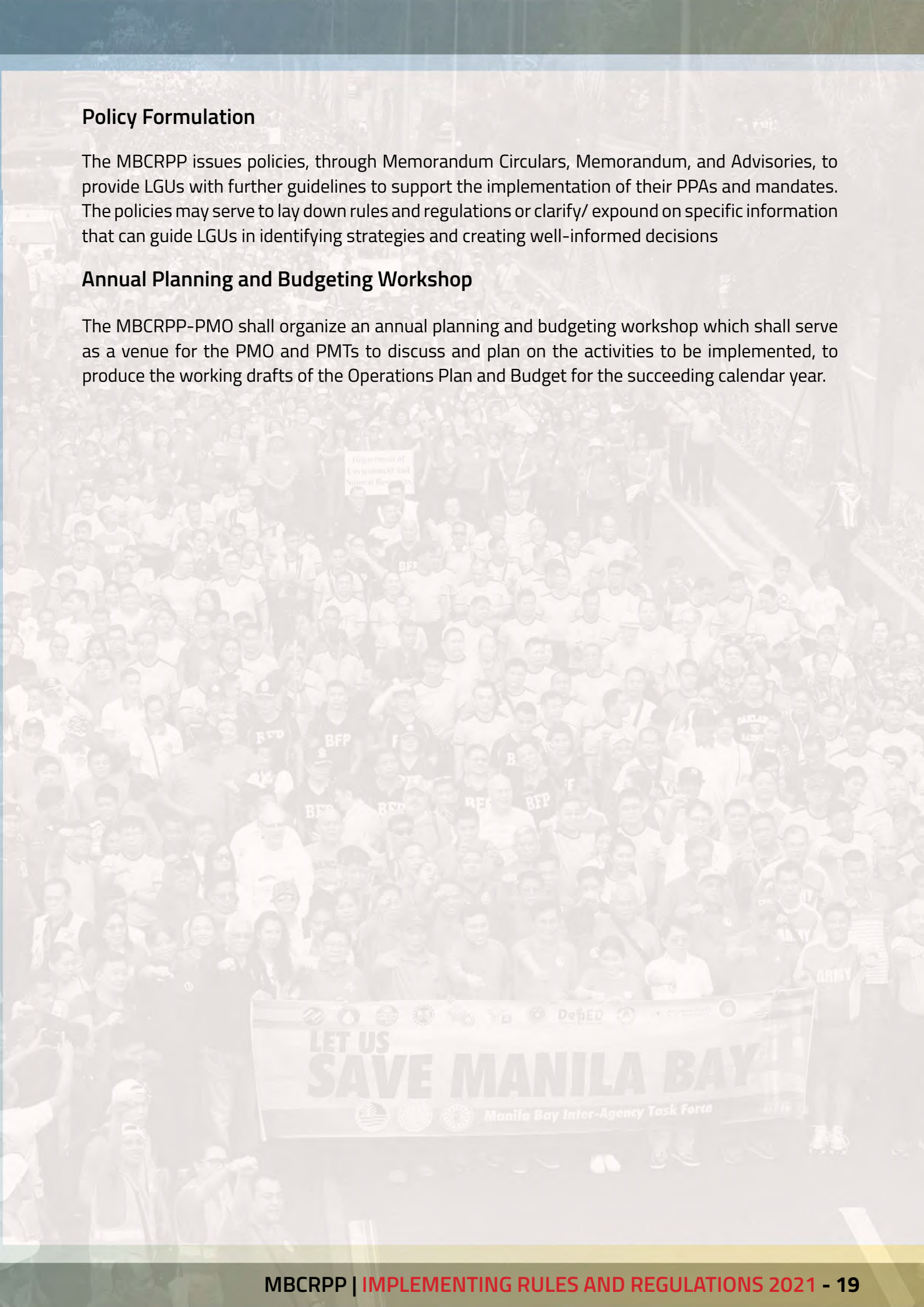
Capacity Building activities are continuously provided to enhance and develop the knowledge and skills of LGUs personnel which will allow them to better perform their roles and mandates under environmental laws. The capacity building activities serve to support the institutional mechanism of LGUs, to be able to successfully implement their programs, projects, and activities (PPAs), and efficiently deliver outputs that will meet that targets and objectives of the Manila Bay rehabilitation program.

Policy Formulation

The MBCRPP issues policies, through Memorandum Circulars, Memorandum, and Advisories, to provide LGUs with further guidelines to support the implementation of their PPAs and mandates. The policies may serve to lay down rules and regulations or clarify/ expound on specific information that can guide LGUs in identifying strategies and creating well-informed decisions

Annual Planning and Budgeting Workshop

The MBCRPP-PMO shall organize an annual planning and budgeting workshop which shall serve as a venue for the PMO and PMTs to discuss and plan on the activities to be implemented, to produce the working drafts of the Operations Plan and Budget for the succeeding calendar year.





DILG MEMORANDUM CIRCULARS RELATIVE TO THE REHABILITATION OF MANILA BAY

Liquid Waste Management:

- DILG MC No. 2019-62 dated April 22, 2019: Policy and Guidelines on Sewage Treatment and Sewage Management System

The policy emphasizes the roles of LGUs in the implementation of sewage treatment and septage management system within their respective territorial jurisdiction

- DILG MC No. 2017-76 dated June 5, 2017: "Policies and Guidelines on the Construction of Rainwater Collectors"

The policy directs LGUs that all local government public infrastructures, whenever applicable, shall pursue the construction of rainwater collection system (RWCS) and the use of collected rainwater for non-potable purposes.

Solid Waste Management:

- DILG MC No. 2019-09 dated January 24, 2019: Observance of the Weekly Clean-up Drive relative to the Manila Bay Clean-up, Rehabilitation, and Preservation Program

The policy directs all cities and municipalities, and barangays in the Manila Bay Watershed Area, to organize a clean-up drive which shall be conducted in areas, such as, but not limited to, coastal areas and/or inland water systems in their respective localities on a weekly basis, every Saturday. (Started on January 27, 2019)

- DILG MC No. 2018-112 dated July 12, 2018: Organization or Reorganization of the Barangay Ecological Solid Waste Management Committee (BESWMC)

The policy is issued to inform and remind concerned local government officials and members of Barangay Ecological Solid Waste Management Committee (BESWMC) of their functions and responsibilities, and to harmonize all existing issuance related to the subject.

- DILG MC No. 2011-070 dated May 13, 2011: Strict Enforcement of the Provisions of R.A. No. 9003

The Memorandum is issued to enjoin Local Chief Executives to strictly observe the provisions of R.A. No. 9003, and to remind LGUs of the administrative sanctions that may be imposed for the failure to enforce and implement provisions of the said act, in accordance to R.A. No. 7160 and other existing rules and regulations.

- DILG MC No. 2009-168 dated October 27, 2009: Strict Implementation of Sections 17(h) and 32 of R.A. No. 9003 (Closure of open dumpsites, and establishment of Material Recovery Facilities);

The policy directs local chief executives to comply to the provisions of R.A. No. 9003, particularly on the establishment of solid waste and materials recovery facilities within their areas of jurisdiction. The MC was issued in light of the devastation brought about by Typhoon Ondoy and Pepeng, and the realization of need for utmost attention to improve existing dump sites to reduce its adverse effects to human health, life, and the environment.

Management of Human Settlements:

- DILG MC No. 2017-89 dated July 19, 2017 Policies and Guidelines on the Monitoring, Treatment, and Resettlement of Informal Settler Families, and the Maintenance of Cleared Areas

The policy is issued to enjoin local chief executives to immediately commence the removal of illegal structure in all danger areas, and to exercise their powers in order to ensure that the law is followed and implemented. It also includes guidelines on how to maintain areas that have been cleared of ISFs

- DILG MC No. 2012-004 dated January 4, 2012: Creation of Local Committees and/or Similar Bodies Against Squatting Syndicates and Professional Squatters (LCASSPS)

The policy is issued in light of the establishment of the National Drive Against Professional Squatters and Squatting Syndicates (NDAPSSS), and the need to create the LCASSPS which will serve as the operating arm of the NDAPSSS in the local level in combatting the squatting problem.

- DILG MC No. 2011-017 dated January 31, 2011: Prevention of the Proliferation of Informal Settlers

The MC is issued to remind LGUs of their mandates under R.A. No. 7160 or the Local Government Code 1991 relative to the prevention of the proliferation of Informal Settlers. The policy is also a consolidation and supplementation of MC No. 1998-202 dated November 3, 1998.

- DILG MC No. 2009-005 dated January 20, 2009: Amending DILG MC No. 2008-143 titled Creation of Local Housing Board

The policy is issued to amend DILG MC No. 008-143, on the Creation of Local Housing Board (LHB). Both policies enjoin LGUs to create their LHBs.

- DILG MC No. 2008-144 dated December 28, 2008: Reiteration of MC No. 2005-69 dated July 21, 2005 re: Maintenance and Updating of Records of All Inhabitants of the Barangay. The MC is issued to reiterate the roles and responsibilities of LGUs to maintain, update, and keep records of inhabitants in their barangays, pursuant to Section 394 (d)(6) of R.A. No. 7160.

Biodiversity Conservation:

- DILG MC No. 2021-047 dated April 23, 2021: Fisheries Compliance Audit (FishCA) Validation Process in the Manila Bay Watershed Area

The MC is issued to support the implementation of DILG MC No. 2018-47, and to provide guidelines on the FishCA Validation Process in the Manila Bay Watershed Area.

- DILG MC No. 2020-121 dated September 18, 2020: Directing all Local Government Units (LGUs) to Participate and Support the DA-BFAR Roll-out, Pursuant to DA FAO No. 263 S. 2019, on the Establishment of Fisheries Management Areas (FMAs)

The MC is issued to direct all coastal LGUs to support the organization and operationalization of the Fisheries Management Areas in the country to fully achieve their objectives.

- DILG MC No. 2018-59 dated April 24, 2018: Policies and Guidelines on the Regulation and Monitoring of Fishery Activities in Municipal Waters

The MC is issued to ensure that LGUs play an active role and hold them accountable to their action/inaction towards the monitoring and regulation of fishery activities in municipal waters as part of their territorial jurisdictions

- DILG MC No. 2018-147 dated August 31, 2018: Guidelines on the implementation of the Fisheries Compliance Audit (FishCA)

The purpose of this issuance is to reinforce the responsibilities of LGUs under R.A. No. 8550 as amended, and to consolidate compliance data of LGUs with regard to the provisions of the Code shall be used to enhance and implement policies and interventions for the management of municipal waters.

- Joint Memorandum Circular (JMC) No. 2018-03 dated November 29, 2018: Guidelines on Strengthening the Implementation of the Ban on Bottom Trawl Operations within Municipal Waters

The JMC clarifies the roles and responsibilities of the LGUs, DILG, and BFAR to conserve and protect municipal waters from the adverse ecological, and socio-economic impact of bottom trawl operations for the benefit of the municipal fisherfolk

IMPLEMENTATION OF THE MBCRPP

- DILG MC No. 2020-143 dated October 28, 2020: Revised Guidelines on the Manila Bay Clean-up, Rehabilitation, and Preservation Program's Local Government Units Compliance Assessment

The purpose of this policy is to provide overall guidelines on the conduct of the MBCRPP's LGU Compliance Assessment

- DILG MC No. 2020-112 dated August 26, 2020: Guidelines on the Manila BAYani Awards and Incentives

This policy shall set the criteria for the determination of the top-performing LGUs to be awarded with the Manila BAYani Awards and Incentives

- DILG MC No. 2018-207 dated December 04, 2018: "Guidelines on the Manila Bay Clean-up, Rehabilitation, and Preservation Program's Local Government Units Compliance Assessment"

The purpose of this policy is to lay down the overall guidelines on the conduct of the MBCRPP's Local Government Units Compliance Assessment. The assessment focuses on four (4) categories: Liquid Waste Management; Solid Waste Management; Informal Settlers Families (ISF); and Information Education Communication (IEC) and Institutional Arrangements

REPEALING CLAUSE

Any amendments issued by competent authority, the PMO, or its alternate, shall not invalidate portions of these guidelines which remain unaffected, unless otherwise specified. The same shall continue to be in effect unless expressly modified or the preceding modification renders parts or sum to be inoperative or moot.



ANNEX I

COVERAGE (MAP AND LIST OF LGUS)





A map of the Philippines showing the regions of III and IV-A, and the National Capital Region (NCR). The map is overlaid on a background image of a large crowd of people. Three white boxes with black borders and red text are placed on the map: 'REGION III' in the upper left, 'NCR' in the middle right, and 'REGION IV-A' in the lower left. Black lines connect these boxes to their respective geographical areas on the map. The map shows various provinces and cities, including San Jose, Nueva Ecija, Cabanatuan, Zambales, Angeles, Pampanga, Bulacan, Valenzuela, Manila, Marikina, Iloilo, Cavite, Santa Rosa, Calamba, Laguna, San Pablo, Lipa, and Lucena. The NCR area is highlighted in a darker blue color.

REGION III

NCR

REGION IV-A

NATIONAL CAPITAL REGION (17)

- Caloocan City
- Las Piñas City
- Makati City
- Malabon City
- Mandaluyong City
- City of Manila
- Marikina City
- Muntinlupa City
- Navotas City
- Parañaque City
- Pasay City
- Pasig City
- Pateros
- Quezon City
- City of San Juan
- Taguig City
- Valenzuela City

CENTRAL LUZON - REGION III

BULACAN (24)

- Angat
- Balagtas
- Baliwag
- Bocaue
- Bulakan
- Bustos
- Calumpit
- Guiguinto
- Hagonoy
- Malolos
- Marilao
- Meycauayan
- Norzagaray
- Obando
- Pandi
- Paombong
- Plaridel
- Pulilan
- San Ildefonso
- San Jose Del Monte
- San Miguel
- San Rafael
- Santa Maria
- Doña Remedios

TARLAC (6)

- Bamban
- Capas
- Concepcion
- La Paz
- Tarlac City
- Victoria

NUEVA ECIJA (30)

- Aliaga
- Bongabon
- Cabanatuan
- Cabiao
- Carranglan
- Gabaldon
- Gapan

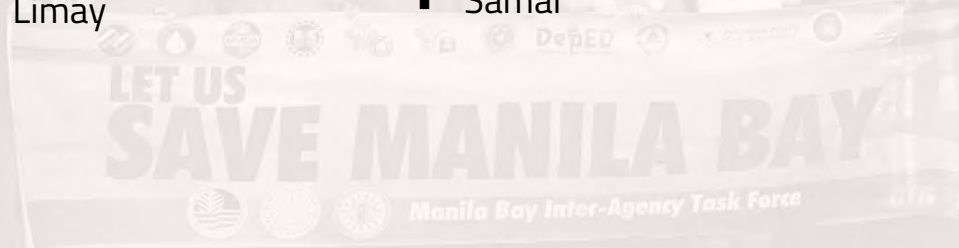
- General Mamerto Natividad
- General Tinio
- Guimba
- Jaen
- Laur
- Licab
- Llanera
- Lupao
- Science City of Muñoz
- Palayan City
- Peñaranda
- Quezon
- Rizal
- San Antonio
- San Isidro
- San Jose City
- San Leonardo
- Santa Rosa
- Santo Domingo
- Talavera
- Talugtug
- Zaragoza
- Pantabangan

PAMPANGA (22)

- Apalit
- Arayat
- Bacolor
- Candaba
- Florida
- Guagua
- Lubao
- Mabalacat
- Macabebe
- Magalang
- Masantol
- Mexico
- Minalin
- San Luis
- San Simon
- Sasmuan
- Sta. Ana
- Sta. Rita
- Sto. Tomas
- Porac
- San Fernando
- Angeles

BATAAN (12)

- Abucay
- Bagac
- Balanga City
- Dinalupihan
- Hermosa
- Limay
- Mariveles
- Morong
- Orani
- Orion
- Pilar
- Samal



CALABARZON - REGION IV-A

CAVITE (23)

- Dasma
- Imus
- General Trias
- Cavite City
- City of Bacoor
- Trece Martires City
- Tagaytay City
- Rosario
- Noveleta
- Kawit
- Carmona
- Tanza
- Maragondon
- Amadeo
- Gen. M. Alvarez
- Silang
- Mendez
- Naic
- Ternate
- Magallanes
- Indang
- Alfonso
- Gen. E. Aguinaldo

LAGUNA (30)

- City of Cabuyao
- San Pablo City
- Santa Rosa City
- City of San Pedro
- Biñan
- Calamba
- Nagcarlan
- Los Baños
- Bay
- Alaminos
- Liliw
- Rizal
- Cavinti
- Kalayaan
- Luisiana
- Mabitac
- Magdalena
- Majayjay
- Paete
- Pagsanjan
- Pangil
- Pakil
- Pila
- Siniloan
- Santa Maria
- Santa Cruz
- Famy
- Lumban
- Calauan
- Victoria

BATANGAS (5)

- Tanauan City
- Santo Tomas
- Malvar
- Talisay
- Lipa City

RIZAL (14)

- Antipolo
- Teresa
- Binangonan
- Angono
- Cainta
- San Mateo
- Taytay
- Rodriguez
- Pililla
- Cardona
- Morong
- Jalajala
- Baras
- Tanay

QUEZON (4)

- Lucban
- Tayabas City
- Sampaloc
- Real



ANNEX II

SUPREME COURT MANDAMUS ORDER



Republic of the Philippines
SUPREME COURT
Manila

EN BANC

G.R. Nos. 171947-48 February 15, 2011

METROPOLITAN MANILA DEVELOPMENT AUTHORITY, DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES, DEPARTMENT OF EDUCATION, CULTURE AND SPORTS,¹ DEPARTMENT OF HEALTH, DEPARTMENT OF AGRICULTURE, DEPARTMENT OF PUBLIC WORKS AND HIGHWAYS, DEPARTMENT OF BUDGET AND MANAGEMENT, PHILIPPINE COAST GUARD, PHILIPPINE NATIONAL POLICE MARITIME GROUP, and DEPARTMENT OF THE INTERIOR AND LOCAL GOVERNMENT, Petitioners,

vs.

CONCERNED RESIDENTS OF MANILA BAY, represented and joined by **DIVINA V. ILAS, SABINIANO ALBARRACIN, MANUEL SANTOS, JR., DINAH DELA PEÑA, PAUL DENNIS QUINTERO, MA. VICTORIA LLENOS, DONNA CALOZA, FATIMA QUITAIN, VENICE SEGARRA, FRITZIE TANGKIA, SARAH JOELLE LINTAG, HANNIBAL AUGUSTUS BOBIS, FELIMON SANTIAGUEL, and JAIME AGUSTIN R. OPOSA,** Respondents.

RESOLUTION

VELASCO, JR., J.:

On December 18, 2008, this Court rendered a Decision in G.R. Nos. 171947-48 ordering petitioners to clean up, rehabilitate and preserve Manila Bay in their different capacities. The fallo reads:

WHEREFORE, the petition is DENIED. The September 28, 2005 Decision of the CA in CA-G.R. CV No. 76528 and SP No. 74944 and the September 13, 2002 Decision of the RTC in Civil Case No. 1851-99 are AFFIRMED but with MODIFICATIONS in view of subsequent developments or supervening events in the case. The fallo of the RTC Decision shall now read:

WHEREFORE, judgment is hereby rendered ordering the abovenamed defendant-government agencies to clean up, rehabilitate, and preserve Manila Bay, and restore and maintain its waters to SB level (Class B sea waters per Water Classification Tables under DENR Administrative Order No. 34 [1990]) to make them fit for swimming, skin-diving, and other forms of contact recreation.

In particular:

(1) Pursuant to Sec. 4 of EO 192, assigning the DENR as the primary agency responsible for the conservation, management, development, and proper use of the country's environment and natural resources, and Sec. 19 of RA 9275, designating the DENR as the primary government agency responsible for its enforcement and implementation, the DENR is directed to fully implement its Operational Plan for the Manila Bay Coastal Strategy for the rehabilitation, restoration, and conservation of the Manila Bay at the earliest possible time. It is ordered to call regular coordination meetings with concerned government departments and agencies to ensure the successful implementation of the aforesaid plan of action in accordance with its indicated completion schedules.

(2) Pursuant to Title XII (Local Government) of the Administrative Code of 1987 and Sec. 25 of the Local Government Code of 1991, the DILG, in exercising the President's power of general supervision and its duty to promulgate guidelines in establishing waste management programs under Sec. 43 of

factories, commercial establishments, and private homes along the banks of the major river systems in their respective areas of jurisdiction, such as but not limited to the Pasig-Marikina-San Juan Rivers, the NCR (Parañaque-Zapote, Las Piñas) Rivers, the Navotas-Malabon-Tullahan-Tenejeros Rivers, the Meycauayan-Marilao-Obando (Bulacan) Rivers, the Talisay (Bataan) River, the Imus (Cavite) River, the Laguna De Bay, and other minor rivers and waterways that eventually discharge water into the Manila Bay; and the lands abutting the bay, to determine whether they have wastewater treatment facilities or hygienic septic tanks as prescribed by existing laws, ordinances, and rules and regulations. If none be found, these LGUs shall be ordered to require non-complying establishments and homes to set up said facilities or septic tanks within a reasonable time to prevent industrial wastes, sewage water, and human wastes from flowing into these rivers, waterways, esteros, and the Manila Bay, under pain of closure or imposition of fines and other sanctions.

(3) As mandated by Sec. 8 of RA 9275, the MWSS is directed to provide, install, operate, and maintain the necessary adequate waste water treatment facilities in Metro Manila, Rizal, and Cavite where needed at the earliest possible time.

(4) Pursuant to RA 9275, the LWUA, through the local water districts and in coordination with the DENR, is ordered to provide, install, operate, and maintain sewerage and sanitation facilities and the efficient and safe collection, treatment, and disposal of sewage in the provinces of Laguna, Cavite, Bulacan, Pampanga, and Bataan where needed at the earliest possible time.

(5) Pursuant to Sec. 65 of RA 8550, the DA, through the BFAR, is ordered to improve and restore the marine life of the Manila Bay. It is also directed to assist the LGUs in Metro Manila, Rizal, Cavite, Laguna, Bulacan, Pampanga, and Bataan in developing, using recognized methods, the fisheries and aquatic resources in the Manila Bay.

(6) The PCG, pursuant to Secs. 4 and 6 of PD 979, and the PNP Maritime Group, in accordance with Sec. 124 of RA 8550, in coordination with each other, shall apprehend violators of PD 979, RA 8550, and other existing laws and regulations designed to prevent marine pollution in the Manila Bay.

(7) Pursuant to Secs. 2 and 6-c of EO 513 and the International Convention for the Prevention of Pollution from Ships, the PPA is ordered to immediately adopt such measures to prevent the discharge and dumping of solid and liquid wastes and other ship-generated wastes into the Manila Bay waters from vessels docked at ports and apprehend the violators.

(8) The MMDA, as the lead agency and implementor of programs and projects for flood control projects and drainage services in Metro Manila, in coordination with the DPWH, DILG, affected LGUs, PNP Maritime Group, Housing and Urban Development Coordinating Council (HUDCC), and other agencies, shall dismantle and remove all structures, constructions, and other encroachments established or built in violation of RA 7279, and other applicable laws along the Pasig-Marikina-San Juan Rivers, the NCR (Parañaque-Zapote, Las Piñas) Rivers, the Navotas-Malabon-Tullahan-Tenejeros Rivers, and connecting waterways and esteros in Metro Manila. The DPWH, as the principal implementor of programs and projects for flood control services in the rest of the country more particularly in Bulacan, Bataan, Pampanga, Cavite, and Laguna, in coordination with the DILG, affected LGUs, PNP Maritime Group, HUDCC, and other concerned government agencies, shall remove and demolish all structures, constructions, and other encroachments built in breach of RA 7279 and other applicable laws along the Meycauayan-Marilao-Obando (Bulacan) Rivers, the Talisay (Bataan) River, the Imus (Cavite) River, the Laguna De Bay, and other rivers, connecting waterways, and esteros that discharge wastewater into the Manila Bay.

In addition, the MMDA is ordered to establish, operate, and maintain a sanitary landfill, as prescribed by RA 9003, within a period of one (1) year from finality of this Decision. On matters within its territorial jurisdiction and in connection with the discharge of its duties on the maintenance of sanitary landfills and like undertakings, it is also ordered to cause the apprehension and filing of the appropriate criminal cases against violators of the respective penal provisions of RA 9003, Sec. 27 of RA 9275 (the Clean Water Act), and other existing laws on pollution.

(9) The DOH shall, as directed by Art. 76 of PD 1067 and Sec. 8 of RA 9275, within one (1) year from finality of this Decision, determine if all licensed septic and sludge companies have the proper facilities for the treatment and disposal of fecal sludge and sewage coming from septic tanks. The DOH shall give the companies, if found to be non-complying, a reasonable time within which to set up the necessary facilities under pain of cancellation of its environmental sanitation clearance.

(10) Pursuant to Sec. 53 of PD 1152, Sec. 118 of RA 8550, and Sec. 56 of RA 9003, the DepEd shall integrate lessons on pollution prevention, waste management, environmental protection, and like subjects in the school curricula of all levels to inculcate in the minds and hearts of students and, through them, their parents and friends, the importance of their duty toward achieving and maintaining a balanced and healthful ecosystem in the Manila Bay and the entire Philippine archipelago.

(11) The DBM shall consider incorporating an adequate budget in the General Appropriations Act of 2010 and succeeding years to cover the expenses relating to the cleanup, restoration, and preservation of the water quality of the Manila Bay, in line with the country's development objective to attain economic growth in a manner consistent with the protection, preservation, and revival of our marine waters.

(12) The heads of petitioners-agencies MMDA, DENR, DepEd, DOH, DA, DPWH, DBM, PCG, PNP Maritime Group, DILG, and also of MWSS, LWUA, and PPA, in line with the principle of "continuing mandamus," shall, from finality of this Decision, each submit to the Court a quarterly progressive report of the activities undertaken in accordance with this Decision.

SO ORDERED.

The government agencies did not file any motion for reconsideration and the Decision became final in January 2009.

The case is now in the execution phase of the final and executory December 18, 2008 Decision. The Manila Bay Advisory Committee was created to receive and evaluate the quarterly progressive reports on the activities undertaken by the agencies in accordance with said decision and to monitor the execution phase.

In the absence of specific completion periods, the Committee recommended that time frames be set for the agencies to perform their assigned tasks. This may be viewed as an encroachment over the powers and functions of the Executive Branch headed by the President of the Philippines.

This view is misplaced.

The issuance of subsequent resolutions by the Court is simply an exercise of judicial power under Art. VIII of the Constitution, because the execution of the Decision is but an integral part of the adjudicative function of the Court. None of the agencies ever questioned the power of the Court to implement the December 18, 2008 Decision nor has any of them raised the alleged encroachment by the Court over executive functions.

While additional activities are required of the agencies like submission of plans of action, data or status reports, these directives are but part and parcel of the execution stage of a final decision under Rule 39 of the Rules of Court. Section 47 of Rule 39 reads:

Section 47. Effect of judgments or final orders.—The effect of a judgment or final order rendered by a court of the Philippines, having jurisdiction to pronounce the judgment or final order, may be as follows:

x x x x

(c) In any other litigation between the same parties of their successors in interest, that only is deemed to have been adjudged in a former judgment or final order which appears upon its face to have been so adjudged, or which was actually and necessarily included therein or necessary thereto. (Emphasis supplied.)

It is clear that the final judgment includes not only what appears upon its face to have been so adjudged but also those matters "actually and necessarily included therein or necessary thereto." Certainly, any activity that is needed to fully implement a final judgment is necessarily encompassed by said judgment.

Moreover, the submission of periodic reports is sanctioned by Secs. 7 and 8, Rule 8 of the Rules of Procedure for Environmental cases:

Sec. 7. Judgment.—If warranted, the court shall grant the privilege of the writ of continuing mandamus requiring respondent to perform an act or series of acts until the judgment is fully satisfied and to grant such other reliefs as may be warranted resulting from the wrongful or illegal acts of the respondent. The court shall require the respondent to submit periodic reports detailing the progress and execution of the judgment, and the court may, by itself or through a commissioner or the appropriate government agency, evaluate and monitor compliance. The petitioner may submit its comments or observations on the execution of the judgment.

Sec. 8. Return of the writ.—The periodic reports submitted by the respondent detailing compliance with the judgment shall be contained in partial returns of the writ. Upon full satisfaction of the judgment, a final return of the writ shall be made to the court by the respondent. If the court finds that the judgment has been fully implemented, the satisfaction of judgment shall be entered in the court docket. (Emphasis supplied.)

With the final and executory judgment in MMDA, the writ of continuing mandamus issued in MMDA means that until petitioner-agencies have shown full compliance with the Court's orders, the Court exercises continuing jurisdiction over them until full execution of the judgment.

There being no encroachment over executive functions to speak of, We shall now proceed to the recommendation of the Manila Bay Advisory Committee.

Several problems were encountered by the Manila Bay Advisory Committee.² An evaluation of the quarterly progressive reports has shown that (1) there are voluminous quarterly progressive reports that are being submitted; (2) petitioner-agencies do not have a uniform manner of reporting their cleanup, rehabilitation and preservation activities; (3) as yet no definite deadlines have been set by petitioner DENR as to petitioner-agencies' timeframe for their respective duties; (4) as of June 2010 there has been a change in leadership in both the national and local levels; and (5) some agencies have encountered difficulties in complying with the Court's directives.

In order to implement the afore-quoted Decision, certain directives have to be issued by the Court to address the said concerns.

Acting on the recommendation of the Manila Bay Advisory Committee, the Court hereby resolves to **ORDER** the following:

(1) The Department of Environment and Natural Resources (DENR), as lead agency in the Philippine Clean Water Act of 2004, shall submit to the Court on or before June 30, 2011 the updated Operational Plan for the Manila Bay Coastal Strategy.

The DENR is ordered to submit summarized data on the overall quality of Manila Bay waters for all four quarters of 2010 on or before June 30, 2011.

The DENR is further ordered to submit the names and addresses of persons and companies in Metro Manila, Rizal, Laguna, Cavite, Bulacan, Pampanga and Bataan that generate toxic and hazardous waste on or before September 30, 2011.

(2) On or before June 30, 2011, the Department of the Interior and Local Government (DILG) shall order the Mayors of all cities in Metro Manila; the Governors of Rizal, Laguna, Cavite, Bulacan, Pampanga and Bataan; and the Mayors of all the cities and towns in said provinces to inspect all factories, commercial establishments and private homes along the banks of the major river systems—such as but not limited to the Pasig-Marikina-San Juan Rivers, the National Capital Region (Paranaque-Zapote, Las Pinas) Rivers, the Navotas-Malabon-Tullahan-Tenejeros Rivers, the Meycauayan-Marilao-Obando (Bulacan) Rivers, the Talisay (Bataan) River, the Imus (Cavite) River, and the Laguna De Bay—and other minor rivers and waterways within their jurisdiction that eventually discharge water into the Manila Bay and the lands abutting it, to determine if they have wastewater treatment facilities and/or hygienic septic tanks, as prescribed by existing laws, ordinances, rules and regulations. Said local government unit (LGU) officials are given up to September 30, 2011 to finish the inspection of said establishments and houses.

In case of non-compliance, the LGU officials shall take appropriate action to ensure compliance by non-complying factories, commercial establishments and private homes with said law, rules and regulations requiring the construction or installment of wastewater treatment facilities or hygienic septic tanks.

The aforementioned governors and mayors shall submit to the DILG on or before December 31, 2011 their respective compliance reports which will contain the names and addresses or offices of the owners of all the non-complying factories, commercial establishments and private homes, copy furnished the concerned environmental agency, be it the local DENR office or the Laguna Lake Development Authority.

The DILG is required to submit a five-year plan of action that will contain measures intended to ensure compliance of all non-complying factories, commercial establishments, and private homes.

On or before June 30, 2011, the DILG and the mayors of all cities in Metro Manila shall consider providing land for the wastewater facilities of the Metropolitan Waterworks and Sewerage System (MWSS) or its concessionaires (Maynilad and Manila Water, Inc.) within their respective jurisdictions.

(3) The MWSS shall submit to the Court on or before June 30, 2011 the list of areas in Metro Manila, Rizal and Cavite that do not have the necessary wastewater treatment facilities. Within the same period, the concessionaires of the MWSS shall submit their plans and projects for the construction of wastewater treatment facilities in all the aforesaid areas and the completion period for said facilities, which shall not go beyond 2037.

On or before June 30, 2011, the MWSS is further required to have its two concessionaires submit a report on the amount collected as sewerage fees in their respective areas of operation as of December 31, 2010.

(4) The Local Water Utilities Administration is ordered to submit on or before September 30, 2011 its plan to provide, install, operate and maintain sewerage and sanitation facilities in said cities and towns and the completion period for said works, which shall be fully implemented by December 31, 2020.

(5) The Department of Agriculture (DA), through the Bureau of Fisheries and Aquatic Resources, shall submit to the Court on or before June 30, 2011 a report on areas in Manila Bay where marine life has to be restored or improved and the assistance it has extended to the LGUs in Metro Manila, Rizal, Cavite, Laguna, Bulacan, Pampanga and Bataan in developing the fisheries and aquatic resources in Manila Bay. The report shall contain monitoring data on the marine life in said areas. Within the same period, it shall submit its five-year plan to restore and improve the marine life in Manila Bay, its future activities to assist the aforementioned LGUs for that purpose, and the completion period for said undertakings.

The DA shall submit to the Court on or before September 30, 2011 the baseline data as of September 30, 2010 on the pollution loading into the Manila Bay system from agricultural and livestock sources.

(6) The Philippine Ports Authority (PPA) shall incorporate in its quarterly reports the list of violators it has apprehended and the status of their cases. The PPA is further ordered to include in its report the names, make and capacity of the ships that dock in PPA ports. The PPA shall submit to the Court on or before June 30, 2011 the measures it intends to undertake to implement its compliance with paragraph 7 of the dispositive portion of the MMDA Decision and the completion dates of such measures.

The PPA should include in its report the activities of its concessionaire that collects and disposes of the solid and liquid wastes and other ship-generated wastes, which shall state the names, make and capacity of the ships serviced by it since August 2003 up to the present date, the dates the ships docked at PPA ports, the number of days the ship was at sea with the corresponding number of passengers and crew per trip, the volume of solid, liquid and other wastes collected from said ships, the treatment undertaken and the disposal site for said wastes.

(7) The Philippine National Police (PNP) Maritime Group shall submit on or before June 30, 2011 its five-year plan of action on the measures and activities it intends to undertake to apprehend the violators of Republic Act No. (RA) 8550 or the Philippine Fisheries Code of 1998 and other pertinent laws, ordinances and regulations to prevent marine pollution in Manila Bay and to ensure the successful prosecution of violators.

The Philippine Coast Guard shall likewise submit on or before June 30, 2011 its five-year plan of action on the measures and activities they intend to undertake to apprehend the violators of Presidential Decree No. 979 or the Marine Pollution Decree of 1976 and RA 9993 or the Philippine Coast Guard Law of 2009 and other pertinent laws and regulations to prevent marine pollution in Manila Bay and to ensure the successful prosecution of violators.

(8) The Metropolitan Manila Development Authority (MMDA) shall submit to the Court on or before June 30, 2011 the names and addresses of the informal settlers in Metro Manila who, as of December 31, 2010, own and occupy houses, structures, constructions and other encroachments established or built along the Pasig-Marikina-San Juan Rivers, the NCR (Parañaque-Zapote, Las Piñas) Rivers, the Navotas-Malabon-Tullahan-Tenejeros Rivers, and connecting waterways and *esteros*, in violation of RA 7279 and other applicable laws. On or before June 30, 2011, the MMDA shall submit its plan for the removal of said informal settlers and the demolition of the aforesaid houses, structures, constructions and encroachments, as well as the completion dates for said activities, which shall be fully implemented not later than December 31, 2015.

The MMDA is ordered to submit a status report, within thirty (30) days from receipt of this Resolution, on the establishment of a sanitary landfill facility for Metro Manila in compliance with the standards under RA 9003 or the Ecological Solid Waste Management Act.

On or before June 30, 2011, the MMDA shall submit a report of the location of open and controlled dumps in Metro Manila whose operations are illegal after February 21, 2006,³ pursuant to Secs. 36 and 37 of RA 9003, and its plan for the closure of these open and controlled dumps to be accomplished not later than December 31, 2012. Also, on or before June 30, 2011, the DENR Secretary, as Chairperson of the National Solid Waste Management Commission (NSWMC), shall submit a report on the location of all open and controlled dumps in Rizal, Cavite, Laguna, Bulacan, Pampanga and Bataan.

On or before June 30, 2011, the DENR Secretary, in his capacity as NSWMC Chairperson, shall submit a report on whether or not the following landfills strictly comply with Secs. 41 and 42 of RA 9003 on the establishment and operation of sanitary landfills, to wit:

National Capital Region

1. Navotas SLF (PhilEco), Brgy. Tanza (New Site), Navotas City
2. Payatas Controlled Dumpsite, Barangay Payatas, Quezon City

Region III

3. Sitio Coral, Brgy. Matictic, Norzagaray, Bulacan
4. Sitio Tiakad, Brgy. San Mateo, Norzagaray, Bulacan
5. Brgy. Minuyan, San Jose del Monte City, Bulacan
6. Brgy. Mapalad, Santa Rosa, Nueva Ecija
7. Sub-zone Kalangitan, Clark Capas, Tarlac Special Economic Zone

Region IV-A

8. Kalayaan (Longos), Laguna
9. Brgy. Sto. Nino, San Pablo City, Laguna
10. Brgy. San Antonio (Pilotage SLF), San Pedro, Laguna
11. Morong, Rizal
12. Sitio Lukutan, Brgy. San Isidro, Rodriguez (Montalban), Rizal (ISWIMS)
13. Brgy. Pintong Bukawe, San Mateo, Rizal (SMSLFDC)

On or before June 30, 2011, the MMDA and the seventeen (17) LGUs in Metro Manila are ordered to jointly submit a report on the average amount of garbage collected monthly per district in all the cities in Metro Manila from January 2009 up to December 31, 2010 vis-à-vis the average amount of garbage disposed monthly in landfills and dumpsites. In its quarterly report for the last quarter of 2010 and thereafter, MMDA shall report on the apprehensions for violations of the penal provisions of RA 9003, RA 9275 and other laws on pollution for the said period.

On or before June 30, 2011, the DPWH and the LGUs in Rizal, Laguna, Cavite, Bulacan, Pampanga, and Bataan shall submit the names and addresses of the informal settlers in their respective areas who, as of September 30, 2010, own or occupy houses, structures, constructions, and other encroachments built along the Meycauayan-Marilao-Obando (Bulacan) Rivers, the Talisay (Bataan) River, the Imus (Cavite) River, the Laguna de Bay, and other rivers, connecting waterways and *esteros* that discharge wastewater into the Manila Bay, in breach of RA 7279 and other applicable laws. On or before June 30, 2011, the DPWH and the aforesaid LGUs shall jointly submit their plan for the removal of said informal settlers and the demolition of the aforesaid structures, constructions and encroachments, as well as the completion dates for such activities which shall be implemented not later than December 31, 2012.

(9) The Department of Health (DOH) shall submit to the Court on or before June 30, 2011 the names and addresses of the owners of septic and sludge companies including those that do not have the proper facilities for the treatment and disposal of fecal sludge and sewage coming from septic tanks.

The DOH shall implement rules and regulations on Environmental Sanitation Clearances and shall require companies to procure a license to operate from the DOH.

The DOH and DENR-Environmental Management Bureau shall develop a toxic and hazardous waste management system by June 30, 2011 which will implement segregation of hospital/toxic/hazardous wastes and prevent mixing with municipal solid waste.

On or before June 30, 2011, the DOH shall submit a plan of action to ensure that the said companies have proper disposal facilities and the completion dates of compliance.

(10) The Department of Education (DepEd) shall submit to the Court on or before May 31, 2011 a report on the specific subjects on pollution prevention, waste management, environmental protection, environmental laws and the like that it has integrated into the school curricula in all levels for the school year 2011-2012.

On or before June 30, 2011, the DepEd shall also submit its plan of action to ensure compliance of all the schools under its supervision with respect to the integration of the aforementioned subjects in the school curricula which shall be fully implemented by June 30, 2012.

(11) All the agencies are required to submit their quarterly reports electronically using the forms below. The agencies may add other key performance indicators that they have identified.

SO ORDERED.

PRESBITERO J. VELASCO, JR.
Associate Justice

WE CONCUR:

RENATO C. CORONA
Chief Justice

See dissenting opinion
ANTONIO T. CARPIO
Associate Justice

I join the dissent of J. Carpio
CONCHITA CARPIO MORALES
Associate Justice

ANTONIO EDUARDO B. NACHURA
Associate Justice

TERESITA J. LEONARDO-DE CASTRO
Associate Justice

I join the dissent of J. Carpio
ARTURO D. BRION
Associate Justice

DIOSDADO M. PERALTA
Associate Justice

LUCAS P. BERSAMIN
Associate Justice

MARIANO C. DEL CASTILLO
Associate Justice

ROBERTO A. ABAD
Associate Justice

MARTIN S. VILLARAMA, JR.
Associate Justice

JOSE PORTUGAL PEREZ
Associate Justice

JOSE CATRAL MENDOZA
Associate Justice

See dissenting opinion
MARIA LOURDES P. A. SERENO
Associate Justice

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution, it is hereby certified that the conclusions in the above Resolution had been reached in consultation before the case was assigned to the writer of the opinion of the Court.

RENATO C. CORONA
Chief Justice

Footnotes

¹ Now the Department of Education (DepEd).

² On February 10, 2009, the Court En Banc approved a resolution creating an Advisory Committee "that will verify the reports of the government agencies tasked to clean up the Manila Bay." It is composed of two members of the Court and three technical experts:

Hon. Presbitero J. Velasco, Jr.
Chairperson and *ponente* of MMDA vs. Concerned Residents of Manila

Hon. Jose Midas P. Marquez
Court Administrator
Vice-Chairperson

Members/Technical Experts:

Dr. Gil S. Jacinto

Former Director, UP Marine Science Institute

Dr. Elisea G. Gozun

Chair of Earth Day Network and Former DENR Secretary

Dr. Antonio G.M. La Viña

Former DENR Undersecretary

Dean of the Ateneo School of Government

³ Our Decision in Metropolitan Manila Development Authority v. Concerned Residents of Manila Bay, G.R. Nos. 171947-48, December 18, 2008, 574 SCRA 661, 690, states: "RA 9003 took effect on February 15, 2001 and the adverted grace period of five (5) years [in Sec. 37 of RA 9003] which ended on February 21, 2006 has come and gone, but no single sanitary landfill which strictly complies with the prescribed standards under RA 9003 has yet been set up." (Emphasis supplied.)

ANNEX III

ADMINISTRATIVE ORDER 16. S 2019





MALACAÑAN PALACE
MANILA

ADMINISTRATIVE ORDER NO. 16

**EXPEDITING THE REHABILITATION AND RESTORATION OF THE
COASTAL AND MARINE ECOSYSTEM OF THE MANILA BAY AND
CREATING THE MANILA BAY TASK FORCE**

WHEREAS, Section 16, Article II of the Constitution enshrines 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 nature;

WHEREAS, Section 2(c) of Republic Act (RA) No. 9275 or the "Philippine Clean Water Act of 2004," recognizes that water quality management issues cannot be separated from concerns about water sources and ecological protection, water supply, public health and quality of life;

WHEREAS, Section 2(a) of RA No. 9003 or the "Ecological Solid Waste Management Act of 2000," mandates the State to adopt a systematic, comprehensive and ecological solid waste management program which shall ensure the protection of public health and the environment;

WHEREAS, the Supreme Court in *Metro Manila Development Authority, et al. v. Concerned Residents of Manila Bay, etc., et al.* (G.R. Nos. 171947-48, 18 December 2008 and 15 February 2011) issued a *Writ of Continuing Mandamus* that directed concerned government agencies and private entities to clean up, rehabilitate, preserve, restore and maintain the waters of the Manila Bay to a level that is fit for swimming, skin-diving and other forms of contact recreation, as well as to fully implement the Operational Plan for the Manila Bay Coastal Strategy (OPMBCS) pursuant to Section 19(c) of RA No. 9275;

WHEREAS, the Manila Bay Region encompasses the bay surface area of 1,870 km² and coastline of 190 kilometers, and a total drainage area of about 17,540 km², which spans across Regions III, IV-A and the National Capital Region (NCR), or a total of 178 local government units (LGUs) and 17 major river systems;

WHEREAS, RA No. 7160 or the "Local Government Code of 1991," calls on all LGUs to ensure the general welfare of its constituents, and to share with the national government the responsibility in the management and maintenance of ecological balance within their respective territorial jurisdictions;

WHEREAS, the convergence of national government agencies and LGUs in the Manila Bay Region, and the active participation of private and public stakeholders, are necessary to facilitate the robust and integrated implementation of all rehabilitation and restoration efforts at the Manila Bay; and

THE PRESIDENT OF THE PHILIPPINES

WHEREAS, Section 17, Article VII of the Constitution provides that the President has the power of control over all executive departments, bureaus and offices, and that he shall ensure the faithful execution of laws;

NOW, THEREFORE, I, RODRIGO ROA DUTERTE, President of the Philippines, by virtue of the powers vested in me by the Constitution and existing laws, do hereby order:

Section 1. Creation. The Manila Bay Task Force ("Task Force") is hereby created, to be composed of the following:

- Chairperson : Secretary, Department of Environment and Natural Resources (DENR)
- Vice Chairpersons : Secretary, Department of the Interior and Local Government (DILG); and
Secretary, Department of Tourism (DOT)
- Members : Secretary, Department of Public Works and Highways (DPWH);
Secretary, Department of Health (DOH);
Secretary, Department of Agriculture (DA);
Chairman, Housing and Urban Development Coordinating Council (HUDCC);
Chairman, Metro Manila Development Authority (MMDA);
Executive Director, Pasig River Rehabilitation Commission (PRRC);
Administrator, Local Water Utilities Administration (LWUA);
Administrator, Manila Waterworks and Sewerage System (MWSS);
Director, Philippine National Police (PNP) – Maritime Group;
Commandant, Philippine Coast Guard (PCG);
General Manager, Philippine Ports Authority (PPA);
Representative of the Manila Water Company, Inc. (Manila Water); and
Representative of the MAYNILAD Water Services, Inc. (MAYNILAD)

The Task Force members may designate an alternate, who must be next in rank to the principal member and must be fully authorized to decide for and on their behalf, to represent their respective offices in the Task Force.

Section 2. Powers and Functions. The Task Force shall have the following powers and functions:

- a) Enforce such relevant provisions of Presidential Decree (PD) No. 856 or the "Code on Sanitation of the Philippines," as amended, RA No. 9275, and RA No. 9003 to ensure the complete rehabilitation, restoration and conservation of the Manila Bay;
- b) In accordance with PD No. 198 or the "Provincial Water Utilities Act," as amended, PD No. 856, as amended, and RA No. 9275, require all government facilities, subdivisions, condominiums, commercial centers, hotels, sports and recreational facilities, hospitals, market places, public

buildings, industrial complex and other similar establishments, including households, to immediately connect existing sewage lines to available sewerage systems or sewerage treatment plants (STPs), or to construct individual STPs, whenever applicable, as well as to issue appropriate orders, impose fines, penalties and other administrative sanctions to compel compliance thereof;

- c) Undertake remedial measures using engineering and technological interventions to improve the water quality of the Manila Bay, such as sustained and targeted reduction in the coliform level in all major river systems and tributaries within the Manila Bay Region;
- d) In collaboration with the National Anti-Poverty Commission, Presidential Commission for the Urban Poor, National Housing Authority (NHA) and affected LGUs, and within 60 days from the issuance of this Order, prepare and commence the implementation of a comprehensive plan for massive relocation of Informal Settler Families (ISFs), especially in the priority areas of the NCR along the Manila Bay Region, which shall include: (i) identification of suitable relocation sites; (ii) strategies for economic and social integration of ISFs in the area; and (iii) long term solutions to address ongoing migration into the Manila Bay Region;
- e) Prepare a comprehensive plan for expediting the local sanitation program of LGUs within the Manila Bay Region by 2026;
- f) Fast-track compliance with the *Writ of Continuing Mandamus* issued by the Supreme Court, including full implementation of the OPMBCS in accordance with its schedule;
- g) Ensure that the concerned agencies and LGUs undertake appropriate measures relative to violation of environmental laws such as, but not limited to, demolition, closure or cessation of business and/or filing of administrative action against erring persons or establishments;
- h) In collaboration with the Department of Education, Commission on Higher Education, Presidential Communications Operations Office and affected LGUs, and in partnership with the private sector and non-government organizations, facilitate a massive information, education and communication drive to garner public support on the Manila Bay clean-up, rehabilitation and restoration efforts, as well as the preservation of the ecosystem in the Manila Bay Region; and
- i) Improve resource management of the Manila Bay and create models of inter-LGU cooperation in ecosystem management, with special focus on the Laguna Lake and Pasig River.

Section 3. Duties of Task Force Members. The Task Force members shall perform the following functions in accordance with their respective mandates and as prescribed in the *Writ of Continuing Mandamus* issued by the Supreme Court, as follows:

(a) **DENR:**

- i. Strictly enforce Sections 16 and 19 of RA No. 9275 on the conduct of containment, removal and clean-up operations, and the exercise of supervision and control on all aspects of water quality management in

the Manila Bay Region through standards setting, regular monitoring and determination of strategic areas;

- ii. In collaboration with the MWSS, LWUA and DILG, ensure that large-scale enterprises especially factories, manufacturing and processing plants, condominium units and government facilities, among others, shall install wastewater treatment plants or connect to available central wastewater treatment facilities pursuant to Section 8 of RA No. 9275 and Section 28 of PD No. 198, as amended;
- iii. Assist in the implementation of Sections 28, 29 and 30 of RA No. 7279 or the "Urban Development and Housing Act of 1992," as amended, on demolition, resettlement and prohibition against new illegal structures along *esteros*, riverbanks, shorelines and waterways in the Manila Bay Region;
- iv. Inspect all sanitary landfills located in NCR, Region III and Region IV-A which affect the Manila Bay, ensure their compliance with Sections 41 and 42 of RA No. 9003, and impose appropriate sanctions in case of violation; and
- v. Monitor compliance with critical environmental laws, rules and regulations, and issue notices of violation or closure, cease and desist orders, and other appropriate sanctions to violators, including the filing of administrative or other cases against erring government officials.

(b) DILG:

- i. Pursuant to Section 20 of RA No. 9275, direct all LGUs in Metro Manila, Rizal, Laguna, Cavite, Bulacan, Pampanga and Bataan to inspect all factories, commercial establishments and residences along the banks of the major river systems in their respective areas of jurisdiction such as, but not limited to, the Pasig-Marikina-San Juan Rivers, Parañaque-Zapote (Las Piñas) Rivers, and Navotas-Malabon-Tullahan-Tenejeros Rivers in the NCR, Meycauayan-Marilao-Obando Rivers in Bulacan, the Talisay River in Bataan, Imus River in Cavite, and Laguna De Bay, and other minor rivers and waterways that discharge water into the Manila Bay and the lands abutting the bay, to determine whether they have wastewater treatment facilities or hygienic septic tanks as prescribed by existing laws, ordinances, and rules and regulations;
- ii. Order the LGUs to require non-complying establishments and homes to set up said facilities or septic tanks within a reasonable time to prevent industrial wastes, sewage water and human wastes from flowing into these rivers, waterways, *esteros* and the Manila Bay, under pain of closure or imposition of fines and other sanctions;
- iii. Supervise compliance of the concerned LGUs with the mandates of the Task Force; and
- iv. Ensure regular monitoring of activities of the LGUs in regulating tourism business and enforcing critical environmental laws, rules and regulations, including local ordinances.

(c) DOT:

- i. Ensure the sustainable tourism development of the Manila Bay pursuant to Section 3 of RA No. 9593 or the "Tourism Act of 2009," which provides for a participatory and consultative formulation of plans and programs to protect, conserve and preserve critical environmental and cultural resources of the country;
- ii. Monitor compliance by tourism and related businesses with the standards for operation and construction of tourism facilities; and
- iii. Implement a mandatory accreditation for all primary tourism enterprises.

(d) DPWH:

- i. In coordination with the DILG, affected LGUs, PNP Maritime Group, HUDCC, and other concerned government agencies, remove and demolish all structures, constructions and other encroachments built in breach of RA No. 7279, as amended, and other applicable laws along the Meycauayan-Marilao-Obando Rivers in Bulacan, Talisay River in Bataan, Imus River in Cavite, Laguna De Bay and other rivers, connecting waterways, and *esteros* that discharge wastewater into the Manila Bay; and
- ii. Implement programs or projects for flood control and drainage services including, but not limited to, dredging of water bodies in areas outside of Metro Manila which are discharging into the Manila Bay.

(e) DOH:

- i. Pursuant to Article 76 of PD No. 1067 or the "Water Code of the Philippines," and Section 8 of RA No. 9275, ensure that all licensed septic and sludge companies have the proper facilities for the treatment and disposal of fecal sludge and sewage coming from septic tanks.

(f) DA:

- i. Ensure compliance with environmental laws and regulations, such as availability of waste disposal system and sanitation of agricultural farms, including big piggeries and poultries, along the Manila Bay and banks of river systems discharging into the Manila Bay; and
- ii. Pursuant to Section 22(c) of RA No. 9275 and through the Bureau of Fisheries and Aquatic Resources, improve and restore the marine life of the Manila Bay, and assist the LGUs in Metro Manila, Rizal, Cavite, Laguna, Bulacan, Pampanga and Bataan in developing, using recognized methods, the fisheries and aquatic resources in the Manila Bay.

(g) HUDCC:

- i. Through the NHA, in collaboration with the DILG, the LGUs concerned, PCUP, PRRC and DENR, identify relocation sites for qualified ISFs and implement site development including, but not limited to, the construction of housing units.

(h) MMDA:

- i. In coordination with the DPWH, DILG, affected LGUs, PNP Maritime Group, HUDCC, and other agencies, dismantle and remove all structures, constructions and other encroachments established or built in violation of RA No. 7279, as amended, and other applicable laws along the Pasig-Marikina-San Juan Rivers, Parañaque-Zapote (Las Piñas) Rivers, Navotas-Malabon-Tullahan-Tenejeros Rivers, and connecting waterways and *esteros* in Metro Manila;
- ii. Establish, operate and maintain a sanitary landfill as prescribed by RA No. 9003 and, on matters within its territorial jurisdiction and in connection with the discharge of its duties on the maintenance of sanitary landfills and similar undertakings, cause the apprehension and filing of the appropriate criminal cases against violators of the respective penal provisions of RA No. 9003, RA No. 9275, and other existing laws on pollution; and
- iii. Implement programs or projects for flood control and drainage services, including, but not limited to, dredging of water bodies in areas within Metro Manila which are discharging into the Manila Bay.

(i) LWUA:

- i. Through the local water districts and in coordination with the DENR, provide, install, operate and maintain sewerage and sanitation facilities and the efficient and safe collection, treatment and disposal of sewage in the provinces of Laguna, Cavite, Bulacan, Pampanga and Bataan, where needed, at the earliest possible time.

(j) MWSS in collaboration with MAYNILAD and Manila Water:

- i. Provide, install, operate and maintain the necessary adequate wastewater treatment facilities in Metro Manila, Rizal and Cavite, where needed, at the earliest possible time.

(k) PRRC:

- i. Ensure that the easements provided for under relevant laws are observed including all the *esteros* and waterways that drain into the Pasig River;
- ii. Abate the dumping of untreated industrial/commercial waste pollution and sewerage into the river, including all acts and omission in violation of relevant laws;
- iii. Relocate settlers, squatters and other unauthorized or unlawful occupants along the banks of Pasig River; and
- iv. Undertake civil works, such as dredging, clearing of structures, cleaning of the Pasig River and all the *esteros* and waterways that drain into the Manila Bay.

(l) PCG and PNP Maritime Group:

- i. Conduct regular patrolling of coastlines and waterbodies in the Manila Bay Region to document any increase or decrease of informal

settlements, and to support filing of cases against LGUs that fail to control new ISFs in their respective areas of jurisdiction; and

- ii. Apprehend violators of PD No. 979 or the "Marine Pollution Decree," as amended, and RA No. 8550 or the "Philippine Fisheries Code," and other existing laws and regulations designed to prevent marine pollution in the Manila Bay.

(m) **PPA:**

- i. Prevent the discharge and dumping of solid and liquid wastes and other ship-generated wastes into the Manila Bay waters from vessels docked at ports and apprehend the violators.

Section 4. Agency Support. All heads of government departments, bureaus and offices, including government-owned or -controlled corporations and state universities and colleges, are hereby enjoined to extend full support to the Task Force in the performance of its mandates under this Order.

The Department of Social Welfare and Development, Department of Labor and Employment, and Department of Trade and Industry are specifically directed to provide immediate social welfare assistance to individuals and families affected by the clean-up and rehabilitation efforts, such as but not limited to provisions for social safety nets, and other assistance in the form of emergency employment, training, livelihood assistance and job facilitation services.

Section 5. Role of LGUs. All mayors of the cities and municipality in the NCR, especially those along the Manila Bay, as well as governors in the provinces of Bataan, Pampanga, Bulacan and Cavite, including the mayors of municipalities and cities within their political subdivisions, shall ensure implementation of critical environmental laws and other relevant laws within their respective territorial jurisdictions, such as but not limited to:

- (a) Monitoring of water quality in the Manila Bay Region;
- (b) Implementing measures and participating in efforts towards prevention and control of water pollution, water quality protection and rehabilitation of the Manila Bay Region;
- (c) Allocating the necessary land, including the required rights-of-way/road access to the land, for the construction of the sewage and/or septage treatment facilities;
- (d) Allocating and raising funds to subsidize necessary expenses for the operation and maintenance of sewerage treatment or septage facility servicing their areas of jurisdiction through local property taxes and enforcement of a service fee system;
- (e) Ensuring, in accordance with RA No. 9275, the connection of all establishments and households to existing sewerage system and imposing proper sanctions for non-compliance; and
- (f) Exercising disciplinary authority and imposing administrative sanctions on their respective local officials who violated environmental laws and/or this Order.

All LGUs are also enjoined to extend the necessary support and assistance to the Task Force in the rehabilitation and restoration of the Manila Bay.

Section 6. Task Force Secretariat. The Task Force Chairperson shall designate a Secretariat Head from among the current Undersecretaries of the DENR, who shall report to the Task Force through the DENR Secretary. The Task Force Secretariat shall be composed of existing personnel from its member-agencies. The Secretariat shall provide technical and administrative support to the Task Force in the performance of its tasks, coordinate with relevant agencies on the status of its plans and programs, and provide updates to the Task Force on the implementation of this Order.

Section 7. Reportorial Requirement. The Task Force shall submit a quarterly report on the implementation of this Order to the Office of the President, through the Office of the Executive Secretary. Such report shall include the actions taken by the LGUs and recommendations on amendment of existing laws and issuances in order to respond to existing conditions.

Section 8. Funding. The funding for the implementation of this Order shall be sourced from existing appropriations of member-agencies of the Task Force and such other appropriate funding sources as the DBM may identify, subject to existing budgeting, accounting and auditing laws and regulations.

Section 9. Separability. If any part or provision of this Order shall be held unconstitutional or invalid, other parts or provisions hereof which are not affected shall continue to be in full force and effect.

Section 10. Repealing Clause. All orders, rules and regulations, and other issuances or parts thereof inconsistent with the provisions of this Order, are hereby repealed or modified accordingly.

Section 11. Effectivity. This Order shall take effect immediately.

DONE in the City of Manila, this 19th day of February, in the year of our Lord, Two Thousand Nineteen.




By the President:


SALVADOR C. MEDIALDEA
Executive Secretary





REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF THE INTERIOR
AND LOCAL GOVERNMENT

MANILA BAY

CLEAN-UP, REHABILITATION, AND PRESERVATION PROGRAM

IMPLEMENTING RULES AND REGULATIONS

