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REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF FINANCE
BUREAU OF CUSTOMS

07 March 2019

CUSTOMS MEMORANDUM CIRCULAR
NO. 74 - 2019

To: All Deputy Commissioners
All Directors and Division Chiefs
All District/Port Collectors
And Others Concerned

SUBJECT: OP ADM ORDER No. 16/REHABILITATION OF MANILA BAY

Attached is a copy of Administrative Order No. 16 issued on 19 February 2019 entitled: **"EXPEDITING THE REHABILITATION AND RESTORATION OF THE COASTAL AND MARINE ECOSYSTEM OF THE MANILA BAY AND CREATING THE MANILA BAY TASK FORCE"**.

Section 4 of this Order enjoins the government bureaus and offices to extend full support to the Task Force in the performance of its mandates under this Order.

For your information and guidance.

For record purposes, please confirm the dissemination of this circular throughout your offices within fifteen (15) days from receipt hereof.

REY LEONARDO B. GUERRERO

Commissioner

MAR 11 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.

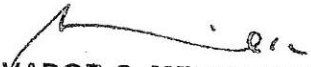
Section 10. Repealing Clause. All orders, rules and regulations, and other issuances or parts thereof inconsistent with the provisions of this Order, are hereby repealed or modified accordingly.


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.

Ronarte 

By the President:


SALVADOR C. MEDIALDEA
Executive Secretary

Office of the President
MALACANANG RECORDS OFFICE
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for: *Dr. Benigno*
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