

PRESIDENTIAL DECREE NO. 274

PERTAINING TO THE PRESERVATION, BEAUTIFICATION, IMPROVEMENT AND GAINFUL UTILIZATION OF THE PASIG RIVER, PROVIDING FOR THE REGULATION AND CONTROL OF POLLUTION OF THE RIVER AND ITS BANKS IN ORDER TO ENHANCE ITS DEVELOPMENT, THEREBY MAXIMIZING ITS UTILIZATION FOR SOCIO-ECONOMIC PURPOSES.

WHEREAS, it has become imperative to prevent the further deterioration of the Pasig River which has resulted due to the indiscriminate disposal of wastes into the river, due to the lack of proper maintenance and due to the inadequacy of systems of control over the use of the waterways of the river;

WHEREAS, the innate beauty and aesthetic qualities of the Pasig River and its banks remain overshadowed and consequently untapped on account of the continued existence of obstructions and eyesores right along the river and its banks;

WHEREAS, by bringing out its natural and potential beauty through the cleansing of its waters of the clutters of wastes and debris likewise by ridding it of the pollutants that surround it, the Pasig River could become a major tourist attraction, providing a significant source of foreign exchange earnings for the country;

WHEREAS, The Pasig River holds a strong influence on the socio-economic development of the areas around it and that to date this recognized potential has not yet been tapped;

WHEREAS, the current thrusts of development point to the need to tap the latent resources of the river by improving the carrying characteristics of its waterways and properly controlling its use as drainage and navigational channel to make it a major thoroughfare for maritime transport;

NOW, THEREFORE, I, FERDINAND E. MARCOS, President of the Philippines, by virtue of the authority vested in me as Commander-in-Chief of all Armed Forces of the Philippines and pursuant to Proclamation No. 1081 dated September 21, 1972, as amended, do hereby order and decree:

Sec. 1. The Immediate Implementation of the Pasig River Development Program - This shall be a joint undertaking of the public and private sectors for the primary purpose of developing the Pasig River and its environs within a minimum period of three years to achieve maximum social, economic, and environmental benefits. The developments shall include projects along public works activities like drainage, navigation, tourism, and recreational activities, low and medium cost housing, parks, small-scale industries, and land easements along the river banks.

Sec. 2. Incentives to be Granted - In order to effect the accelerated, complete and successful implementation of the program and the attainment of its objectives, the following incentives are hereby provided:

To those industries undertaking the necessary measures to control pollution in the area and to those agencies involved in low and medium cost housing, parks, small-scale industries and land easements along the river banks, all duties paid on anti-pollution devices and equipment of the agencies involved in activities under the program shall be reimbursed by the government. Provided also that all expenses inclusive of research shall be allowed as deductible items from the taxable income of these industries and agencies.

To those industries/ persons whose activities will enhance the utilization of Pasig River and its environs for Tourism purposes,(e.g., regatta activities, floating restaurants, etc.) the same incentives as those provided in (a) above shall hold. Provided in addition, that other provisions governing Incentives Law on Tourism Priorities Plan of the National Government shall also apply.

Sec. 3. Police Powers - The government shall in the course of implementing the Pasig River Development Program be clothed with the following specific police powers in addition to existing police powers presently enjoyed by the National Government.

To impose levies in the form of local tax on all industrial and commercial users of the Pasig River proper and its tributaries as well as the esteros branching from and draining into the Pasig River. To institute penal actions on any person or legal entity committing acts or omissions in violation of the rules and regulations promulgated by the National Government as exemplified and enumerated under Sec.6 of R.A. 3931 otherwise known as the Pollution Control Law and as implemented by National Water and Air Pollution Control Commission, specifically the rules and regulations relevant to the Pasig River Development Program. It is hereby provided that in cases of persons who are convicted by the appropriate courts, a maximum fine of Php10,000.00 and / or imprisonment from six to twelve years or both shall be imposed at the discretion of the court, it is further provided that in case of acts or omissions committed by other legal or juridical entities the manager thereof shall be held liable, with an accessory penalty of suspension for a reasonable period of time of its permit to operate for the first offense, and the cancellation of the permit to operate for the second offense.

Sec. 4. Appropriation - Upon approval of the President, a Trust Fund Account shall be created to finance the Pasig River Development Program and other river works projects of the National Government to be deposited in the National Treasury which shall be generated from the following sources:

Proceeds from levies (in the form of local taxes) on industrial and commercial users as provided in Sec. 3 of this decree,

Fund releases from appropriations under the Infrastructure Program, Provided, That for FY 1974 P 7 million shall be appropriated for the Pasig River Development Program from the Infrastructure Program Allocation for Miscellaneous Public Works:

Provided, further, That a minimum of P7 million shall be annually appropriated in the Regular Infrastructure Program for the succeeding Fiscal Years as continuing appropriations; and

Fund releases from other appropriation as prescribed and authorized by the President or his duly authorized representative.

Sec. 5. All previous laws, decrees, orders, directives and memoranda issued inconsistent with the above are hereby revoked.

Sec. 6. This Decree shall take effect immediately.

Done in the City of Manila, this 18th day of August, in the year of Our Lord, nineteen hundred and seventy three.