

LLDA's LEGAL AND INSTITUTIONAL FRAMEWORK FOR IWRM

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Division**



Laguna Lake Development Authority



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LEGAL BASES:

- **1987 Philippine Constitution**
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- **Presidential Decree No. 813**
- **Executive Order No. 927**
- **Republic Act No. 9275 and its Implementing Rules and Regulations (Clean Water Act)**
- **LLDA Board Resolution No. 33, S. 1996**
- **LLDA Board Resolution No. 192, S. 2004**
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Right to a Balanced Ecology

Sec. 16, Art. II of the 1987 Constitution

The State shall protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature.

LLDA GENERAL STATUTES

Republic Act No. 4850

An Act Creating the “ Laguna Lake Development Authority ”, Prescribing Its Powers, Functions And Duties, Providing Funds Thereof, and For Other Purposes. (July 18, 1966)

- ❖ LLDA was founded on October 22, 1969.

Presidential Decree No. 813

Amending Certain Sections of R.A. 4850, Granting LLDA Exclusive Jurisdiction to Issue Permits for the Use of All Surface Waters of the Lake for Any Projects or Activities Within the Region. (October 17, 1975)

A background map of the Laguna de Bay region in the Philippines, showing the bay and surrounding cities like Manila, Alabang, and Calabarzon. The map is slightly faded to serve as a background for the text.

Executive Order No. 927

Further Amending the Original Charter of the LLDA Granting Power to Control and Abate Pollution Within the Laguna de Bay Region. (December 16, 1983)

Board Resolution No. 192, Series of 2004

Revised Rules, Regulations and Procedures Implementing R.A. 4850, as amended

LAGUNA DE BAY BASIN

THE PHILIPPINES

- Drainage Basin Boundary
- - - LLDA Jurisdiction
- River
- Lake
- Selected City

N



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The Laguna de Bay Region shall refer to the Provinces of Rizal and Laguna; the cities of Caloocan, Manila, Marikina, Muntinlupa, Pasay, Pasig, Quezon and Taguig and the town of Pateros in Metro-Manila; the towns of Tanauan, Sto. Tomas and Malvar in Batangas Province; the city of Tagaytay and the towns of Carmona, Gen. M. Alvarez and Silang in Cavite Province; and the town of Lucban in Quezon Province.

Province	Cities	Municipalities
Laguna	6	24
Rizal	1	13

Province	Cities	Municipalities
Metro-Manila	Caloocan Manila Marikina Muntinlupa Pasay Pasig Quezon Taguig	Pateros
Quezon		Lucban
Cavite	Tagaytay	Carmona GMA Silang
Batangas	Tanauan	Sto. Tomas Malvar

LLDA MANDATE

- ❖ To **lead**, **promote** and **accelerate** the development and balanced growth of the Laguna de Bay Region
- ❖ To carry out the development of the basin with due regard and adequate provisions for:
 - **environmental management**
 - **preservation of the quality of human life and ecological systems**
 - **prevention of undue ecological disturbances, deterioration and pollution**

POWERS AND FUNCTIONS:

➤ **LLDA Powers/Functions are summed up as follows:**

- ✓ **Regulatory Powers**
- ✓ **Planning and Policy Making**
- ✓ **Environmental Management**
- ✓ **Infrastructural Development**
- ✓ **Institutional Arrangements**

JURISDICTION

The LLDA has an exclusive and original jurisdiction to prevent, abate and control water pollution within the territorial jurisdiction of the Laguna de Bay Region.

REGULATORY REQUIREMENTS – INDUSTRY SECTOR

○ **LLDA Clearance**

○ **Discharge Permit**

A map of the Philippines is shown in the background, with a prominent green banner across the center containing the text 'LLDA CLEARANCE' in yellow. The map includes labels for various cities and regions such as Manila, Cebu, and Davao. The banner is a solid green rectangle with the text in a bold, sans-serif font.

LLDA CLEARANCE



BOARD RESOLUTION NO. 408
Series of 2011

**Revised Definition of Developmental
Activities Required to Secure LLDA
Clearance and Its Implementing
Rules and Regulations, and For This
Purpose, Amending B.R. No. 223,
Series of 2004 and B.R. 286, Series of
2006**

Legal Basis

R.A. 4850 – LLDA Charter

Section 4 (d) x x x The Authority shall issue the necessary clearance for all approved proposed plans, programs, and projects within thirty (30) days from submission thereof unless the proposals are not in consonance with those of the Authority or that those will contribute to the unmanageable pollution of the Laguna Lake Waters or will bring about the ecological imbalance of the region. x x x

A faint map of the Philippines is visible in the background, showing the archipelago and surrounding waters. The map is centered on the main island of Luzon and the Visayas, with the Philippines' location in Southeast Asia clearly depicted.

PRESCRIBED DEVELOPMENTAL ACTIVITIES REQUIRED TO SECURE LLDA CLEARANCE

- **RESOURCE EXTRACTION INDUSTRY**
- **AGRICULTURE INDUSTRY**
- **MANUFACTURING INDUSTRY**
- **SERVICE INDUSTRY**
- **SITE DEVELOPMENT / INFRASTRUCTURE
PROJECTS**
- **WASTE MANAGEMENT PROJECTS**



RESOURCE EXTRACTION INDUSTRY

- Resource extractive industries or activities but not limited to mining, quarrying, dredging, water abstraction, logging and treasure hunting.

AGRICULTURE INDUSTRY

Agro-industrial projects/livestock production, including piggery, poultry and similar animal-raising farms (e.g. *goat, cattle, crocodile, etc.*) **except** the following:

Animal farms with a population of less than One Hundred (100) heads or less than Ten (10) Sow Level where one (1) sow level is equivalent to ten (10) pigs;

Inland fishery (fishpond/hatchery) of a total area of One Thousand (1,000) Square Meters and above;

Rice mill with multiple pass process and/or with a production capacity of One (1) Ton per hour.

Abattoir/slaughterhouse with more than Ten (10) animals or One Hundred (100) birds slaughtered per day.

MANUFACTURING INDUSTRY

- All industrial/manufacturing establishments, *except* the following:
 - Barangay Micro Business Enterprises (BMBEs), as defined by R.A. 9178, except those which store/generate toxic/hazardous and/or strongly/ highly pollutive waste. All BMBEs are required to submit a certification from the appropriate agency/ies (i.e. DTI, DENR);
 - Wooden assemblies having the following equipment: trimmers, crosscut saws, circular saws of less than Six Hundred (600) mm. diameter in size and S2S type planers of not more than Three (3) units each, provided that no spray painting/ varnishing activity (using air compressor) is involved;

SERVICE INDUSTRY

- Stand-alone fastfood stores, restaurants and similar establishments
- Transport terminals with repair/maintenance, support facilities and/or fuel refilling facility/station (*e.g. land, airports, ferry, passenger/cargo terminals*)
- Car washing with engine and/or under body/chassis washing
- Establishments with combined wastewater generation of Twelve (12) Cubic Meters per day and above:
 - Auto-repair and maintenance shop and similar services
 - Auto/industrial machine shops

SITE DEVELOPMENT / INFRASTRUCTURE PROJECTS

- Site development projects such as residential subdivision, industrial park/estate, including raw lands;
- Memorial parks, cemeteries, burial, crematorium, columbarium, funeral parlor/establishments with embalming facilities and other similar activities;
- Demolition or abandonment of dangerous or condemned buildings and facilities with previously stored/used toxic/hazardous substances;
- Structures with a total floor and facility area (including parking and other developed spaces) of One Thousand (1,000) Square Meters and above;
 - Commercial establishments such as markets, groceries, supermarkets/shopping centers, malls (shopping center with cinemas, boutiques/shops, department store, supermarket, etc.) and other similar activities;

SITE DEVELOPMENT / INFRASTRUCTURE PROJECTS

- Recreation and entertainment projects (*with commercial, lodging, restaurants*) such as but not limited to: golf courses, recreational complex, cockpit arena, theme parks, zoos, resorts, public swimming or bathing places; and indoor recreational facilities such as but not limited to: theaters, amphitheaters, museums, wellness centers, and/or with combined wastewater generation of Twelve (12) Cubic Meters per day and above;
- Educational services such as schools (*pre-elementary, elementary, secondary, special, specialized, etc.*), institutes and universities, and/or with combined wastewater generation of Twelve (12) Cubic Meters per day and above;

WASTE MANAGEMENT PROJECTS

- Waste disposal sites (*i.e. sanitary landfill*), waste processing facilities, transfer stations and other similar projects **except** receiving/recycling facilities (*material segregation only*) for paper, plastic and other non-hazardous materials such as material recovery facilities, junkshop and other similar facilities;
- Wastewater treatment facility (*service provider*) **except** those purely treating domestic wastewater of less than Twelve (12) Cubic Meters per day;

A map of the Philippines is shown in the background, with a green banner overlaid in the center. The banner contains the text "DISCHARGE PERMIT" in yellow, bold, uppercase letters. The map shows major cities like Manila, Cebu, and Davao, and the surrounding sea.

DISCHARGE PERMIT

LEGAL BASIS

- **Board Resolution No. 33, Series of 1996 - Rules and Regulations Implementing the Environmental User Fee System (EUFS) in the Laguna de Bay Region**
- **Board Resolution No. 404, Series of 2011 - Adopting the Fines and Penalties Imposed under Section 28 of R.A. 9275 (Clean Water Act of 2004)**

A map of the Laguna de Bay Region in the Philippines, showing the bay and surrounding cities like Alabang City, Marikina City, and Calamba City. A green rectangular box is overlaid on the map, containing the title text in yellow.

COVERAGE OF DISCHARGE PERMIT

- Applies to all development projects, installation and activities that discharge **liquid waste** and pose a threat to the environment of the Laguna de Bay Region, which covers industrial, commercial, domestic and agricultural sources.

STANDARDS : Based on DAO 35, Series of 1990 or Revised Effluent Regulation of 1990

SIGNIFICANT PARAMETERS		EFFLUENT STANDARDS
pH (on-site)	units	6.5-9.0
TSS	mg/l	70
Color	PCU	150
COD	mg/l	—
BOD	mg/l	50
Oil/Grease	mg/l	5.0
T. Coliform MPN	100 ml	10,000
Chromium (cr ⁶)	mg/l	0.10
Lead (Pb)	mg/l	0.30
Cyanide (C)	mg/l	0.20
Nickel	mg/l	0.5
Cooper	mg/l	1.0
Zinc	mg/l	5.0

A map of the Philippines is shown in the background, with a prominent green banner across the center containing the text 'ENFORCEMENT PROCESS' in yellow, bold, uppercase letters. The map displays the archipelago with various islands and major cities labeled, including Manila, Cebu, and Davao. The banner is positioned horizontally across the middle of the map, partially overlapping the Luzon and Visayas regions.

ENFORCEMENT PROCESS

A map of the Philippines is shown in the background, with a green banner overlaid in the center. The banner contains the text 'PROCEDURES ON THE PUBLIC HEARING COMMITTEE' in yellow, bold, uppercase letters. The map shows major cities like Manila, Cebu, and Davao, and the surrounding sea.

PROCEDURES ON THE PUBLIC HEARING COMMITTEE

THE PUBLIC HEARING COMMITTEE (PHC)

Composition:

1. One member from the Office of the General Manager
2. One member from the Legal and Adjudication Division
3. One member from the Environmental Regulatory Department (Industry/Shoreland/Fishery)

Nature of Actions before the PHC:

1. Those filed by LLDA thru the ERD
2. Those filed by third parties affected by the pollution
3. Those endorsed by DENR and other agencies

Type of Cases:

1. Operating without LLDA Clearance and/or Discharge Permit
2. Water Pollution
3. Violation of Permit/Clearance condition(s)

LEGAL ORDERS

- **Notice of Violation**
- **Ex-Parte Order**
- **Notice of Hearing**
- **Cease and Desist Order**
- **Temporary Lifting Order**
- **Order to Pay**
- **Order of Dismissal**

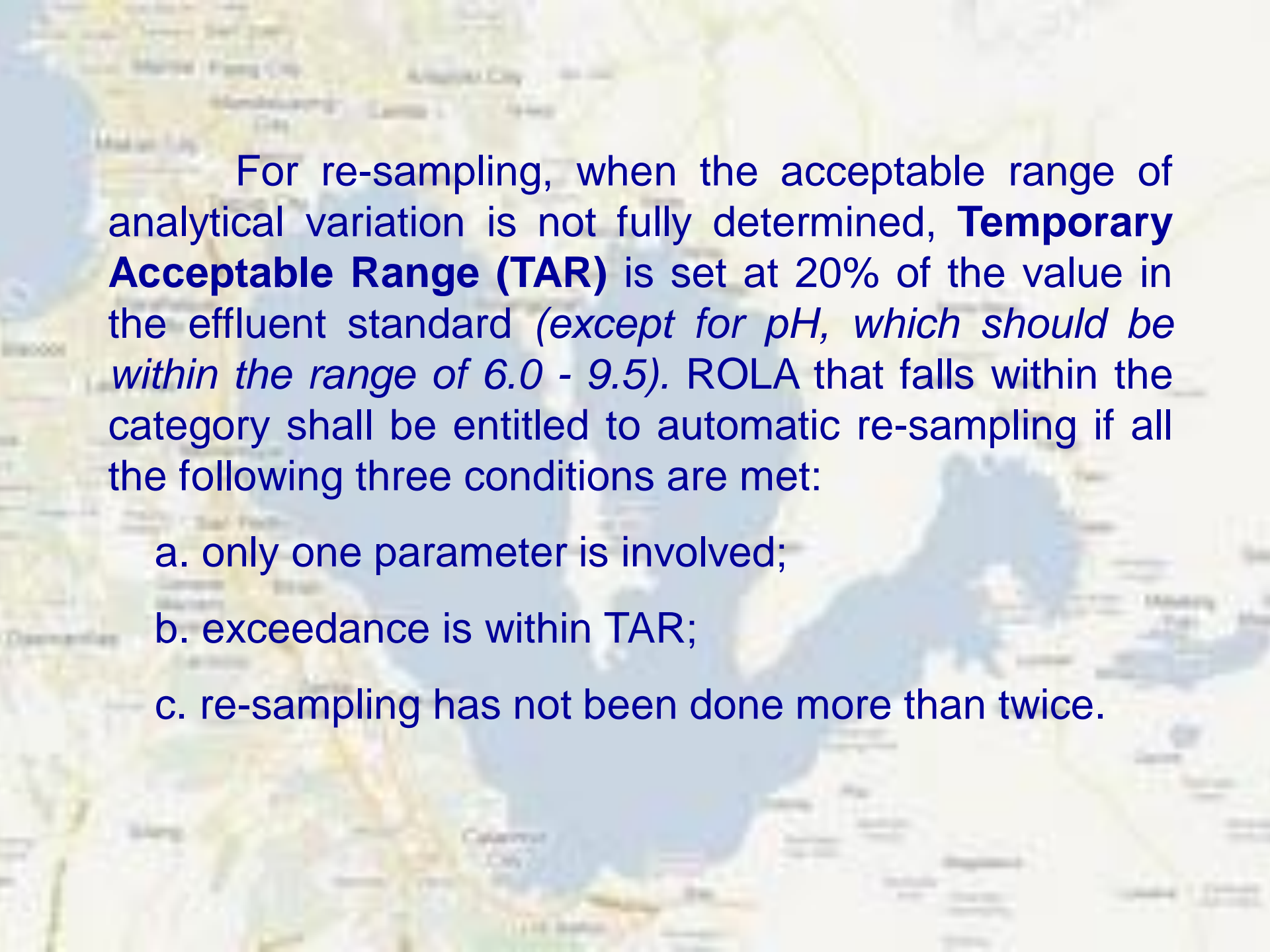
I. Notice of Violation (NOV):

1. Operating Without Clearance and Permit

- Fifteen (15) days grace period to apply for LC/DP
- with administrative fine of P5,000/year reckoned from the receipt of NOV

2. Water Pollution Based on Laboratory Results

- Fifteen (15) days to submit corrective measures
- daily penalty of at least P10,000 reckoned from date of initial sampling
- if also operating without LC/DP, administrative fine of P5,000.00 shall be imposed



For re-sampling, when the acceptable range of analytical variation is not fully determined, **Temporary Acceptable Range (TAR)** is set at 20% of the value in the effluent standard (*except for pH, which should be within the range of 6.0 - 9.5*). ROLA that falls within the category shall be entitled to automatic re-sampling if all the following three conditions are met:

- a. only one parameter is involved;
- b. exceedance is within TAR;
- c. re-sampling has not been done more than twice.

3. Temporary Acceptable Range (TAR)

Re-sampling shall be done within 30 days after the Result of Laboratory Analysis (ROLA):

- 3.1 Two or more parameters falling within this TAR for the sampling;**
- 3.2 Two successive re-sampling results show two different parameters falling within TAR;**
- ❖ Reckoning date for penalty purposes shall be the original sampling date although the results were within TAR.**

II. Notice of Public Hearing

III. Ex-parte Order

(To **show cause** within 15 days why no CDO shall be issued) shall be imposed to either any of the following conditions:

1. BOD concentration exceeds 250 mg/l
2. Concentration of any heavy metal is exceeding the effluent standard
3. Concentration of any physico-chemical parameter is exceeding five times the effluent standards
4. pH is outside the prescribed range

IV. Order to Pay

V. Cease and Desist Order (CDO):

1. BOD concentration exceeds 500 mg/l
2. Concentration of any heavy metal exceeds the effluent standard
3. Concentration of any physico-chemical parameter is exceeding ten times the effluent standards
4. pH is below 3 or above 11
 - issued after the lapse of period granted for compliance
 - implemented by *actual padlocking of water sources and putting up signboards within the plant's premises*
 - to be *implemented by the LLDA enforcement team assisted by the PNP*

VI. Temporary Lifting Order (TLO):

TLO may be issued upon compliance with the following:

- 1. Written undertaking under oath, signed by the CEO of the respondent stating its immediate and long term remedial measures, including certification of funds availability to undertake such activity**
- 2. Immediate payment of penalties (at least 50% of accrued)**
- 3. Appointment of PCO for accreditation**
- 4. Submission of self-monitoring reports (SMR)**
- 5. Application for LLDA Clearance and Discharge Permit**

VII. Order of Dismissal

Memorandum Order 97-99, Series of 1997

FINES AND PENALTIES

Legal Bases:

1. Section 39-A, R.A. 4850, as amended

“Any person, natural or juridical who shall violate any of the provisions of RA 4850 or any rules and regulations promulgated by LLDA shall be liable to imprisonment of not exceeding three (3) years or to a fine not exceeding Five Thousand Pesos (P5,000) or both.”

2. Section 4 (d) , R.A. 4850, as amended

“xxx reasonable processing fees shall be collected by the Authority for the processing of such plans, programs and/or projects xxx.”

3. Section 4-A , R.A. 4850 as amended

“Compensation for damages to the water and aquatic resources of Laguna de Bay and its tributaries resulting from failure to meet established water and effluent quality standards or from such other act or omission of a person, private or public, juridical or otherwise, punishable under the law shall be awarded to the Authority to be earmarked for water quality control and management.”

4. Section 4-B, R.A. 4850 as amended

“The Authority is hereby empowered to collect annual fees xxxx for the use of the lake waters and its tributaries for fisheries, navigation and waste disposal purposes. All fees so collected shall be used for the management and development of the Lake and its tributaries xxxx.



5. Resolution No. 404, Series of 2011

A Resolution Adopting the Fines and Penalties Imposed Under Section 28 of R.A. 9275, otherwise known as the Clean Water Act of 2004, and for this Purpose Modifying and Amending Section 32 of Article VI of LLDA B.R. No. 33, Series of 1996.

Computation of Daily Penalties

1. P10,000 per day of pollutive discharge reckoned from the date of *initial sampling* until the date of compliance with the effluent standards on all parameters.
2. Date of receipt of request for resampling stops the counting of daily penalties *if* the plant meets the effluent standard on all parameters *upon* resampling, otherwise the penalty shall continue to run.
3. Computation shall be based on actual production records of the plant and other similar proofs.

Imposition of Administrative Fine:

- 1. Operating without LLDA Clearance and/or Discharge Permit - P5,000/year of operation reckoned from the receipt of NOV.**
- 2. Non-compliance with permit conditions - P5,000/condition.**
- 3. Refusal of entry of bona fide LLDA inspectors/ refusal to conduct inspection - P5,000 for every inspection.**

Appeals:

Any party not satisfied with the decision of the PHC may file appeal within 15 days from receipt thereof with the *Office of the President (OP)* or the *Office of the Secretary of the DENR*, provided that no simultaneous appeals shall be allowed.

Supreme Court Decisions

1) Laguna Lake Development Authority vs. Court of Appeals, G.R. No. 110120, March 16, 1994; 231 SCRA 292

- ✓ *LLDA has the power and authority to issue a “cease and desist order” (CDO) under R.A. 4850 and its amending laws.*
- ✓ *LLDA as a special charter has the responsibility to protect the inhabitants of the Laguna Lake Region from the deleterious effects of pollutants emanating from the discharge of wastes from surrounding areas.*
- ✓ *As a general rule, adjudication of pollution cases generally pertains to the Pollution Adjudication Board (PAB), except in cases where the special law provides for another forum.*

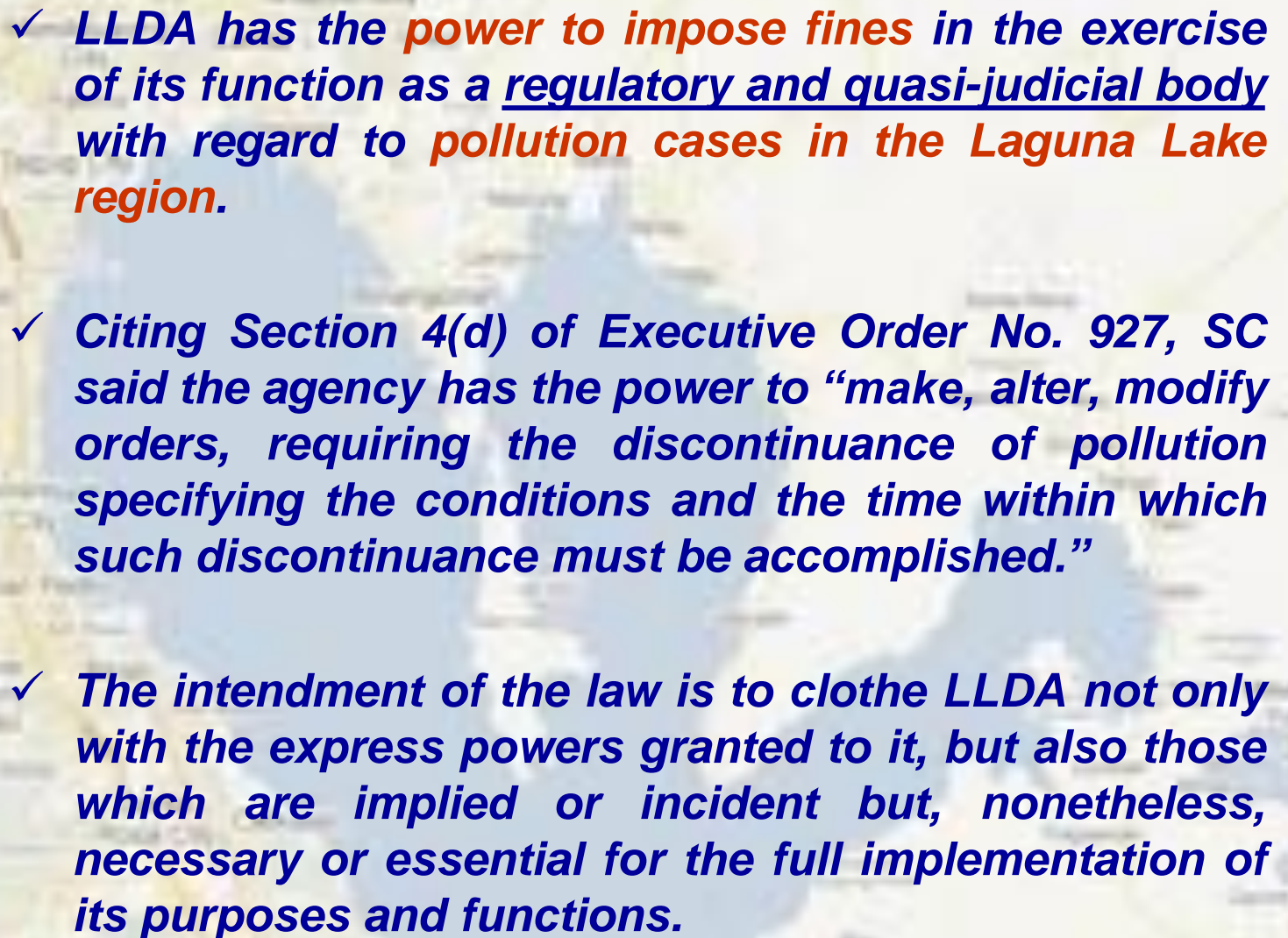
2) **Portland Concrete Corporation vs. Laguna Lake Development Authority, G.R. No. 134363, December 7, 1998**

✓ ***The issuance of Cease and Desist Order by the LLDA is the proper exercise of its power and authority under its charter and its amendatory laws.***

3) **Pacific Steam Laundry**

4) **Alexandra Condominium**

5) **SM Primeholdings, Manila**

- 
- ✓ **LLDA has the *power to impose fines* in the exercise of its function as a regulatory and quasi-judicial body with regard to *pollution cases in the Laguna Lake region*.**
 - ✓ **Citing Section 4(d) of Executive Order No. 927, SC said the agency has the power to “make, alter, modify orders, requiring the discontinuance of pollution specifying the conditions and the time within which such discontinuance must be accomplished.”**
 - ✓ **The intendment of the law is to clothe LLDA not only with the express powers granted to it, but also those which are implied or incident but, nonetheless, necessary or essential for the full implementation of its purposes and functions.**

6) **MMDA, Et. Al. vs. Concerned Residents of Manila Bay, G.R. No. 171947-48, February 15, 2011**

- ✓ ***Supreme Court ordered petitioners to clean up, rehabilitate and preserve Manila Bay in their different capacities.***
- ✓ ***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.***

Thank You!!!

Pls. visit our website at:

1lda.gov.ph

