



LAGUNA LAKE DEVELOPMENT AUTHORITY

RESOLUTION NO. 283, Series of 2006

Resolution Providing Policy Guidelines on Reclamations within the Shorelands of Laguna De Bay

WHEREAS, Republic Act No. 4850, as amended, places the entire Laguna de Bay (or the Lake) under the comprehensive and integrated management of the Laguna Lake Development Authority (or LLDA), a quasi-government agency mandated to promote and accelerate the development and balanced growth of the Laguna de Bay Region (or LdBR) with due regard for environmental management;

WHEREAS, the last decades have brought about massive changes in the Lake Basin due to reclamations activities, among others, because of its proximity to and its location in the highly urbanized Metro Manila and institutional arrangement in managing the LdBR;

WHEREAS, LLDA's experience in the last 36 years indicates that more needs to be done in institutional arrangements and in implementing its regulatory and enforcement functions in order to judiciously manage all water-related infrastructure developments, including reclamation activities within the shoreland areas of Lake'

WHEREFORE, premises considered, upon motion duly seconded, the Board of Directors, this Authority in a regular meeting attended by quorum, hereby **RESOLVES** as it does hereby **RESOLVE** as follows:

Section 1. *Scope and Subject of Application*

These guidelines shall apply to the following:

- (a) All national government agencies, including government-owned and controlled corporations;
- (b) All local government units, whether provincial, city or municipality, and barangays lying along the shoreland of Lake;
- (c) All private persons, natural or juridical, partnership, association, cooperatives or corporation, which property/ies, whether titled or untitled, is located along the shoreland areas of the lake.

These guidelines shall cover reclamation of shoreland areas, public or private, below the 12.50 MLLW, and embraced or outside of the Torrens system.

Section 2. *Definition of Terms:*

- (a) **Special Concerns Division** – organizational unit of the LLDA created under Board Resolution No.155, series of 001, which is responsible for the implementation of all shoreland development and management policies, rules and regulations, among others, of LLDA.
- (b) **Land Reclamation** – is a deliberate change or conversion of wasteland or bodies of water into land suitable for use of habitation or recreation, cultivation, commercial or industrial, hydroelectric powers generation, flood control, by altering the mineral or organic contents of the soil, landfilling or any activities by such method as irrigation, drainage, flood control, by altering the mineral or organic contents of the soil, landfilling or any activity which creates a new land where there was once wasteland or water. It includes the draining of swamps or seasonably submerged wetlands.
- (c) **Laguna de Bay Shoreland Area** (aka “buffer zone”) is that part of the lakebed along the lakeshore lying at elevation 12.50 m. and below and alternately submerged or exposed by the seasonal rising and lowering of the lake levels.

Datum evaluation is a point 10.00 meters below Mean Lower Low Water (MILW). This is a linear strip of open space designed to separate incompatible elements or uses, or to control pollution, nuisance and for identifying and defining development areas or zones.

- (d) **Clearance to Develop Shoreland Area** is the authorization granted by LLDA to national government agencies, including government whether provincial, city or municipality, and

barangays, and to owners of private lands, which are found below the reglamentary 12.50 MLLW, whether embraced or outside of the Torrens system, to reclaim shoreland areas of the Laguna Lake in pursuit of their projects and activities under the terms and conditions prescribe by these guidelines;

- (e) **Clearance to Reclaim Shoreland Area** is the authorization granted by LLDA to national government agencies, including government owned and controlled corporations, and to local government units, whether provincial, city or municipality, and barangays, and to owners of private lands, which are found below the reglamentary 12.50 MMLW, whether embraced or outside of the Torrens system, to reclaim shoreland areas of the Laguna Lake in pursuit of their projects and activities under the terms and conditions prescribe by these guidelines;
- (f) Titled lands are those parcels of lands within the shoreland areas of Laguna de Bay which are registered under the Land Registration Act, (Act 496) and the Property Registration Decree (PD1529);
- (g) Untitled lands are those parcels of land not registered under Act 496 and PD 1529;

Section 3. Prescribed Uses, Restrictions and Conditions. Reclamation of shoreland areas along Laguna de Bay which satisfy the conditions set forth under Section 1 of these guidelines may be authorized, subject to the following terms and conditions;

- (a) Filling or earth materials that will be used for reclamation shall be sourced within the Laguna de Bay Region.
- (b) No waste materials of any kind shall be used as fill materials. However, unless otherwise authorized by the LLDA, no construction debris or waste materials shall be used;
- (c) Maximum allowable area for reclamation shall be limited to the area requirements of the project as may be determined by the LLDA;
- (d) Any building/structures which will be introduced and constructed in the area subject for reclamation shall be required to secure an individual.

Clearance to Reclaim and Develop Shoreland Area and a Lease Agreement with LLDA (for untitled shoreland area/s and for area/s outside of the titled lands) and shall also be subject to the requirements and necessary fees imposed by LLDA.

Section 4. Ownership of and Jurisdiction over Shoreland Areas, Unless, otherwise provided by law and authorized by this Board, the ownership and jurisdiction over the shoreland area of the Laguna de Bay shall remain with the State through the LLDA, however, any improvements thereon shall belong to the grantee; Provided that after the purpose for which the structure or facility has been served, or if the reclaimed area will be needed by the LLDA or the National Government or any of its instrumentality for a project with greater benefits/impacts, or if any of the afore-stated conditions has been violated, the ownership of the facilities/structures as well as the reclaimed area, except those within titled property, shall revert to LLDA. Any modification on the approved structures or facility shall be subject to approval of the LLDA.

Section 5. Environmental Requirements - All proponents shall prepare and submit, for approval by LLDA, their respective Initial Environmental Examination (IEE) Checklist or Report and Environmental Impact Studies (EIS) depending on the project undertaking for preventive and control measures against potential ecological disturbance of the LdBR and/or unmanageable pollution of the Lake during construction and operation.

Section 6. Permit Requirements - The proponent shall submit the following as basis for purposes of evaluating the proposed reclamation and development projects:

- a. Project proposal;
- b. Cost estimate;
- c. Engineering plans and technical maps, including geo-hazard assessments;
- d. Timetable;
- e. Solid and liquid waste management plans;

Section 7. Payment of Fees - All proponents, upon submission of the application, complete with all documentary requirements and supporting papers, shall pay filing fees and other charges, as the general Manger may determine, subject to the approval by this Board, as follows:

- (a) Application and Processing fee
- (b) Survey fee
- (c) Shoreland Reclamation fee
- (d) Shoreland Development fee
- (e) Annual lease fee

Section 8. *Reportorial requirements* – Annual Reports on the implementation, use and development of shoreland areas shall be prepared and submitted by the SCD to the Board of Directors through the General Manager, LLDA.

Section 9. *Repealing Clause* – This Resolution repeals, modifies, or amends accordingly, any resolution of the Board, orders, memorandums, rules and regulations and other related issuances or parts thereof which are inconsistent with or contrary to any of the above provisions.

Section 10. *Fines and Penalties Clause* - Consistent with the provisions of Republic Act No. 4850, as amended, violation of any provision of this Resolution and/or the Rules and Regulations promulgated thereunder shall be punishable by imprisonment of not more than three (3) years or penalty of not more than Five Thousand pesos (P5,000.00) or both.

Section 11. The General Manager, LLDA, is hereby authorized to promulgate the necessary rules and regulations for the effective implementation of this Resolution.

Section 12. *Effectively Clause* - This Order shall take effect fifteen (15) days after its publication in a newspaper of General circulation.

Approved: 25 July 2006.

(SGD) CIRIO H. SANTIAGO
Chairman

(SGD) GEN. FRANCISCO S. BRAVO
Director

(SGD) ZENAIDA C. MAGLAYA
Director

(SGD) CORAZON BAUTISTA-CRUZ
Director

(SGD) AUGUSTO B. SANTOS
Director

(SGD) NICANDRO D. NATIVIDAD
Director

(SGD) ATTY. ANGELITO S. LAZARO
Director

(SGD) GUILLERMO D. ACERO
Director

(SGD) JESUS S. BARROGA
Director

(SGD) CASIMIRO A. YNARES III, M.D.
Director

ATTESTED BY:

(SGD) ATTY. JOAQUIN G. MENDOZA
Board Secretary V