

REPUBLIC ACT NO. 2056

DATE: June 13, 1958

AN ACT TO PROHIBIT, REMOVE AND/OR DEMOLISH THE CONSTRUCTION OF DAMS, DIKES OR ANY OTHER WORKS IN PUBLIC NAVIGABLE WATERS OR WATERWAYS AND IN COMMUNAL FISHING GROUNDS, TO REGULATE WORKS IN SUCH WATERS OR WATERWAYS AND IN COMMUNAL FISHING GROUNDS, AND TO PROVIDE PENALTIES FOR ITS VIOLATION, AND FOR OTHER PURPOSES.

Sec. 1. Any provision or provisions of law of the contrary notwithstanding, the construction or building of dams, dikes or any other works which encroaches into any public navigable river, stream, coastal, waters and any other navigable public waters or waterways as well as the construction or building of dams, dikes or any other works in areas declared as communal fishing grounds, shall be ordered removed as public nuisances or as prohibited construction as herein provided: Provided, however, That the Secretary of Public Works and Communications may authorize the construction of any such works when public interests or safety so requires, or when it is absolutely necessary for the protection of private property.

Sec. 2. When it is found by the Secretary of Public Works and Communications, after due notice and hearing, that any dam, dike or any other works now existing or may hereinafter be constructed encroaches into any public navigable river, stream, coastal waters and any other public navigable waters, or waterways, or that they are constructed in areas declared as communal fishing grounds, he shall have the authority to order the removal of any such works and shall give the party concerned a period not to exceed thirty days for the removal of the same: Provided, That fishpond constructions or works on communal fishing grounds introduced in good faith before the areas were proclaimed as fishing grounds shall be exempted from the provisions of this Act, provided such constructions or works do not obstruct or impede the free passage of any navigable river, stream, or would not cause inundations of agricultural areas: Provided, further, That should the party concerned fail to comply with the order of the Secretary of Public Works and Communications within the period so stated in the order, such removal shall be effected by the Secretary of Public Works and Communications at the expense of the said party within ten days following the expiration of the period given the party concerned: Provided, furthermore, That the investigation and hearing to be conducted by the Secretary of Public Works and Communication under this section shall be terminated and decided by him within a period which shall both exceed ninety days from the time he shall have been notified in writing or a written complaint shall have been filed with him by any interested party apprising him of the existence of a dam, dike or any other works that encroaches into any public navigable river, stream, coastal waters or any other public navigable waters or waterways, and in areas declared as communal fishing grounds: Provided, still furthermore, That the failure on the part of the Secretary of Public Works and Communications without justifiable or valid reason to terminate and decide a case or effect the removal; of any such works, as provided for in this section, shall constitute an offense punishable under section three of this Act: And provided, finally, That the removal of any of such works shall not impair fishponds completed or about to be completed which do not encroach or obstruct any public navigable river or stream and/or which would not cause inundations of agricultural areas and which have been constructed in good faith before the area was declared communal fishing grounds.

Sec. 3. Any person who shall violate the provisions of this Act or who shall fail to comply with a lawful order of the Secretary of Public Works and Communications within the period given him in the said order for the removal of any works, shall be punished by imprisonment of not less than six months or more than six years and a fine of not less than five hundred pesos or more than six thousand pesos. In the case of any Secretary of Public Works and Communications, in addition to the fine and imprisonment herein

provided, he shall suffer the penalty of perpetual absolute disqualification to hold any public office.

Sec. 4. All Acts or parts of Acts, Executive Orders, rules and regulations which are inconsistent with the provisions of this Act are hereby repealed.

Sec. 5. This Act shall take effect upon its approval.

Approved: June 13, 1958