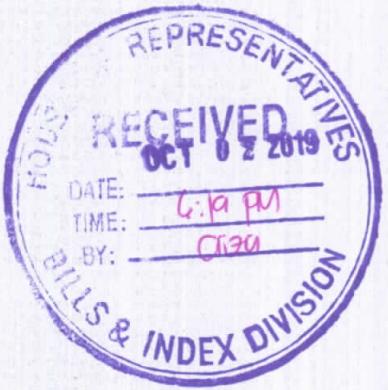


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Constitution Hills, Quezon City

EIGHTEENTH CONGRESS
First Regular Session



HOUSE BILL NO. 5049

Introduced by REP. FREDERICK W. SIAO

EXPLANATORY NOTE

The Philippines is a sprawling archipelago in Southeast Asia, one of the longest coastlines in the world, hundreds of rivers, dozens of lakes and waterfalls, and is bordered by the biodiversity-rich South China Sea, West Philippine Sea, and Western Pacific Ocean.

Our country has been having recurring water shortages and droughts brought about by demand and supply factors and exacerbated by natural calamities, extreme weather events, global warming, and climate change. Population growth, migration, urbanization, and technological advances weigh in as demand drivers, while environmental factors influence supply.

There have also been seasonal, occasional, and sometimes artificial supply shortages of fish and other seafood, affected by the same demand and supply factors that affect water resources, and result in compromising food security and raising prices of water and food sourced from the inland waters, the seas, and the Pacific Ocean.

The country has excess rainwater in the rainy months and acute water needs in the dry months.

Meanwhile, the national government has many different agencies attending to compartmentalized although related water and fisheries concerns, but lacks a

coherent water and fisheries policy framework. These agencies were created one by one to address issues and problems as they arose over the many past decades. Neglected was the rationalization of the alphabet soup of agencies.

Current government officials responsible for water management have admitted the country has no master plan for water.

This bill proposes a holistic and sustainable Integrated Water and Fisheries Continuum Management Approach as the bedrock of a ***Unified Water and Fisheries Policy Framework***.

Within this Integrated Approach and Unified Policy Framework, this bill establishes the Department of Water and Fisheries that shall be the lead agency on the regulation, conservation, protection, development, and management of the country's water supply, fisheries, aquatic resources, inland waters, and ocean marine life and minerals.

This bill also establishes the following agencies to be attached to the Department:

1. National Water Utilities Commission;
2. Watershed, Coastal, and Inland Water Resources Management Board;
3. Philippine Rise and West Philippine Sea Authority; and
4. Inter-Agency Water Policy and Operations Coordination Council

This bill also creates line bureaus, staff bureaus, and an inter-agency council to enable the Department to work effectively and efficiently.

These government agencies shall be consolidated, merged, and abolished to create the Department of Water and Fisheries:

1. National Water Resources Board;
2. Local Water Utilities Administration;
3. National Irrigation Authority;
4. Dam Management Unit of the National Power Corporation;
5. Bureau of Fisheries and Aquatic Resources
6. Philippine Fisheries Development Authority;

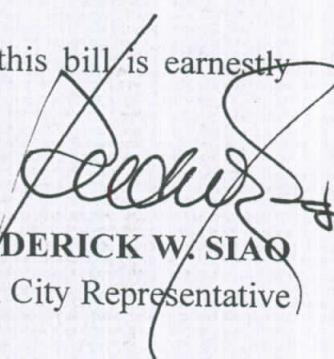
7. Laguna Lake Development Authority;
8. Metropolitan Waterworks and Sewerage System;
9. Pasig River Rehabilitation Commission; and
10. River Basin Control Office of the Department of Environment and Natural Resources

The bills also gives the Water Commission the authority to impose administrative fines and other penalties for:

1. violation of concession commitments;
2. disservice to concession service customers in the form of prolonged water service interruption;
3. for prolonged low water pressure levels below the minimum agreed upon in concession agreements; and
4. violations of regulations issued pursuant to the provisions of this Act.

This bill was first filed as HB 9179 and my co-author then was Rep. Harlin Neil Abayon III of AANGAT TAYO Party-List. I refile it in this 18th Congress.

Considering the foregoing bases, swift passage of this bill is earnestly sought.


FREDERICK W. SIAO
Iligan City Representative

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Constitution Hills, Quezon City

EIGHTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 5049

Introduced by REP. FREDERICK W. SIAO

AN ACT
ESTABLISHING THE DEPARTMENT OF WATER AND FISHERIES AND ITS
ATTACHED AGENCIES, PROVIDING FOR THEIR POWERS AND
COMPOSITION, AND SETTING THEIR MANDATE TO FORMULATE AND
IMPLEMENT A NATIONAL COMPREHENSIVE STRATEGIC WATER AND
FISHERIES PROGRAM USING AN INTEGRATED WATER AND FISHERIES
CONTINUUM MANAGEMENT APPROACH AND UNIFIED WATER AND
FISHERIES POLICY FRAMEWORK, APPROPRIATIONS,
AND FOR OTHER PURPOSES

Be it enacted by the Senate and the House of Representatives of the Philippines in Congress assembled:

Section 1. Short Title. - This Act shall be known as the "*Unified Water and Fisheries Management Act*".

Section 2. Declaration of Policy. - It is the declared policy of the State to protect, conserve, and develop the country's water and fisheries resources through holistic and integrated continuum management from source to consumption and renewal throughout the continuum.

Chapter 1 – The Department of Water and Fisheries

Section 3. Creation of the Department of Water and Fisheries. The Department of Water and Fisheries, hereinafter referred to as the Department, is hereby created.

The Department shall be the lead agency, guided by a holistic and integrated continuum water management approach, on the regulation, conservation, protection, development, and management of the country's water supply, fisheries, aquatic resources, inland waters, and ocean marine life and minerals.

The Department shall develop, for approval of the President of the Philippines through executive order, a National Comprehensive Strategic Water and Fisheries Program using the Integrated Water and Fisheries Continuum Management Approach and Unified Water and Fisheries Policy Framework. The Department shall implement the executive order and issue rules and regulations consistent with its mandates in this Act and in the executive order.

Section 4. The Department Secretary. The Department shall have a Department Secretary as head of agency. The Secretary shall also concurrently serve as Chairman of the National Water Utilities Commission, the Watershed, Coastal, and Inland Water Resources Management Board, the Philippine Rise and West Philippine Sea Authority, and Inter-Agency Policy and Operations Coordination Council.

The President of the Philippines shall appoint the Department Secretary, who upon his appointment must not be more than sixty (60) years old, a practicing attorney-at-law with specialization in maritime law, environmental law, international law, and commercial law, at least seven (7) years of management experience in water resources, maritime operations, and the fishing industry.

Section 5. Undersecretaries. The Department shall have the following undersecretaries:

1. Undersecretary for Water Resources serving concurrently as Chief Operations Officer and Chief Regulator of the National Water Utilities Commission;
2. Undersecretary for Fisheries serving concurrently as Chief Operations Officer of the Watershed, Coastal, and Inland Water Resources Management Board;
3. Undersecretary for Ocean and EEZ (Exclusive Economic Zone) Resources serving concurrently as Chief Operations Officer of the Philippine Rise and West Philippine Sea Authority; and
4. Undersecretary for Operations, Administration and Inter-Agency Coordination to supervise the line bureaus and staff bureaus, ensure administrative and budget provisions for the attached agencies, and serve concurrently as Chief Operations Officer, and Vice Chairperson and Alternate Chairperson on the Inter-Agency Policy and Operations Coordination Council.

Section 6. Attached Agencies, Line Bureaus and Staff Bureaus. The Department shall have the following attached agencies:

1. National Water Utilities Commission;

2. Watershed, Coastal, and Inland Water Resources Management Board;
3. Philippine Rise and West Philippine Sea Authority; and
4. Inter-Agency Water Policy and Operations Coordination Council

The Department shall have the following line bureaus.

1. Irrigation, Dams, and Flood Management Bureau;
2. Hydrological and Marine Sciences Research and Exploration Bureau;
3. Freshwater, Saltwater, and Mariculture Industries Development Bureau;
4. Manila Bay and Tributaries Rehabilitation Bureau;
5. Laguna Lake Development Bureau;
6. River Transport and Safety Bureau; and
7. Watershed Protection and Security Bureau.

The Department shall have the following staff bureaus::

1. Stakeholder Relations and Integrated Communications;
2. Planning, Research, and Budgeting;
3. Administration and Finance;
4. Internal Audit;
5. Legal Service;
6. Standards Development; and
7. International Affairs and Special Programs.

The functions, responsibilities, and accountabilities of the line and staff bureaus shall be defined in the presidential executive order that shall constitute the initial implementing guidelines, rules, and regulations of this Act, in accordance with other pertinent laws, including, but not limited to:

1. the Administrative Code of the 1987 (Executive Order 232);
2. the Philippine Fisheries Code (Republic Act 8550);
3. the Water Code of the Philippines (Presidential Decree 1067);
4. the Philippine Clean Water Act (Republic Act 9275);
5. the Expanded National Integrated Protected Areas Act (Republic Act 11038);
6. the Ecological Solid Waste Management Act (Republic Act 9003); and
7. Civil Service Laws.

Chapter 2 – The National Water Utilities Commission

Section 7. The National Water Utilities Commission. The National Water Utilities Commission, hereinafter referred to as the Commission, is hereby created by merger of the Local Water Utilities Administration and the Metropolitan Waterworks and Sewerage System.

Section 8. Composition, Qualifications, Rank and Term of Office. The Commission shall be a collegial body, with the Department Secretary serving as its Chairman. The Commission shall have six (6) Commissioners. The Commission shall convene en banc at least once every two (2) weeks for regular meetings.

One of the six Commissioners must be a practicing lawyer with specialization in environment law. One Commissioner must be a practicing licensed civil engineer, One Commissioner shall represent the fisherfolk sector and chosen from a shortlist of six (6) nominees jointly endorsed by the NGOs for Fisheries Reform, Philippine Council on NGO Certification, and Cooperatives Development Authority. One Commissioner must be a licensed practicing sanitary engineer. One Commissioner must be a marine biologist. One Commissioner must be a licensed master plumber with at least seven years of continuous practice and management of waterworks operations.

For compensation and civil service purposes, each Commissioner shall have the rank, compensation and emoluments of an assistant secretary.

The President shall appoint the full-time Commissioners for a full term of four (4) years, without prejudice to one reappointment. The Commissioners shall hold office until their successors shall have been appointed and qualified. Should any Commissioner resign or fail to serve the entire term, the successor shall be appointed by the President of the Philippines to a full term.

The President of the Philippines shall simultaneously appoint the first full set of the Commissioners, and the Operations Director within sixty (60) days from the issuance of the executive order provided in Section 21 of this Act.

To ensure the continued operation of the Commission and its public services in case of temporary vacancy in the event of the resignation, suspension, removal, permanent or prolonged incapacity, or death of the Department Secretary-Chairperson, the Commission shall, in a special emergency meeting with the entire Commission en banc physically present or via video conference, temporarily designate the Acting Chairperson chosen from among the Commissioners.

In case of temporary vacancy in the event of the resignation, suspension, removal, permanent or prolonged incapacity, or death of the Undersecretary-Chief Operating Officer, the Commission shall, in a meeting with the entire Commission en banc physically present or via video conference, temporarily designate Operations Director as Acting COO.

Section 9. Special Powers of the Chairman of the Commission. The Chairman, without the need for concurrence or consent of the whole Commission, to:

1. appoint, subject to civil service laws and regulations, and upon recommendation of the Undersecretary and concurrent Chief Operations Officer, all Secretariat personnel, including the Operations Director; and
2. approve the budget, administrative, and operational plans, programs, and projects of the Commission.

Section 10. The Commission Secretariat. The Commission shall have a Secretariat headed by an Operation Director, who shall be the head of the Secretariat. The Operations Director shall have the rank and emoluments of a Director V bureau director..

The Secretariat shall have divisions for the following concerns:

1. Legal Affairs;
2. Research
3. Administration and Budgeting;
4. Finance; and
5. Public Information

Section 11. Powers and Authority of the Commission. The Commission shall regulate the commercial and industrial provision of water supply and services, including desalination, filtration, sewerage, sanitation, water connection repair services, water testing, water quality assurance, and water refilling stations in metropolitan areas and water districts nationwide by private water supply and services concessionaires and establishments.

The Commission shall have the authority to impose administrative fines and other penalties for:

1. violation of concession commitments;
2. disservice to concession service customers in the form of prolonged water service interruption;
3. for prolonged low water pressure levels below the minimum agreed upon in concession agreements; and
4. violations of regulations issued pursuant to the provisions of this Act.

The Commission shall have visitorial powers to inspect, investigate, and order the temporary or permanent closure of any commercial and industrial operations, including unauthorized water supply and service concessionaires and water refilling stations.

The Commission shall also have the following powers:

1. Establish as many field offices as the Commission may deem necessary for sufficient coverage of the country;

2. Set timetables and deadlines for the investigation, hearing, adjudication, and resolution of all complaints and cases submitted to the Water Commission;
3. Promulgate rules and regulations, and exercise such other powers and functions as may be necessary to carry out effectively the purpose and objectives of this Act; and
4. Perform such other functions as may be necessary for its effective operations and for the continued enhancement, growth or development of water resources, except those powers or authority expressly provided in this Act

Chapter 3 – The National Watershed, Coastal and Inland Water Resources Management Board

Section 12. The National Watershed, Coastal, and Inland Water Resources Management Board. The Watershed, Coastal, and Inland Water Resources Management Board, hereinafter referred to as the Board, is hereby created for the equitable and sustainable management, use, and regulation of watershed, coastal, and inland water resources, particularly those which are in overlapping local government jurisdictions.

Section 13. Composition, Qualifications, Rank and Term of Office. The Board shall be a collegial body, with the Department Secretary serving as its Chairman. The Board shall have six (6) Board Members. The Commission shall convene en banc at least once every two (2) weeks for regular meetings.

One Board Member must be a practicing lawyer with specialization in environment law. One Board Member must be a practicing licensed marine engineer. One Board Member shall represent the fisherfolk sector and chosen from a shortlist of six (6) nominees jointly endorsed by the NGOs for Fisheries Reform, Philippine Council on NGO Certification, and Cooperatives Development Authority. One Board Member must be a licensed practicing sanitary engineer. One Board Member must be a marine biologist. One Board Member shall represent the fisheries industry sector and nominated by the Philippine Chamber of Commerce and Industry.

For compensation and civil service purposes, each Board Member shall have the rank, compensation and emoluments of an assistant secretary.

The President shall appoint the full-time Board Members for a full term of four (4) years and may be reappointed only once. The Board Member shall hold office until their successors shall have been appointed and qualified. Should any Board Member resign or fail to serve the entire term, the successor shall be appointed by the President of the Philippines to a full term.

The President of the Philippines shall simultaneously appoint the first full set of Board Members, and the Operations Director within sixty (60) days from the issuance of the executive order provided in Section 21 of this Act.

To ensure the continued operation of the Board and its public services in case of temporary vacancy in the event of the resignation, suspension, removal, permanent or prolonged incapacity, or death of the Department Secretary-Chairperson, the Board shall, in a special emergency meeting with the entire Board physically present or via video conference, temporarily designate the Acting Chairperson chosen from among the Board Members.

In case of temporary vacancy in the event of the resignation, suspension, removal, permanent or prolonged incapacity, or death of the Undersecretary-Chief Operating Officer, the Board shall, in a meeting with the entire Board physically present or via video conference, temporarily designate Operations Director as Acting COO.

Section 14. Special Powers of the Chairman of the Board. The Chairman, without the need for concurrence or consent of the whole Board, to:

1. appoint, subject to civil service laws and regulations, and upon recommendation of the Undersecretary and concurrent Chief Operations Officer, all Secretariat personnel, including the Operations Director; and
2. approve the budget, administrative, and operational plans, programs, and projects of the Board.

Section 15. The Board Secretariat. The Board shall have a Secretariat headed by an Operations Director, who shall be the head of the Secretariat. The Operations Director shall have the rank and emoluments of a Director V bureau director..

The Secretariat shall have divisions for the following concerns:

1. Legal Affairs;
2. Research;
3. Administration and Budgeting;
4. Finance; and
5. Public Information

The Board shall have Permanent Committees with specific authority and responsibility over overlapping local government jurisdictions. The Board shall have appellate quasi-judicial powers to resolve issues emanating from the Permanent Committees.

The Board shall constitute these Permanent Committees in consultation with the Department of Interior and Local Government and with the Regional Development Councils.

The Board shall have the authority to issue such permits and clearances necessary for the regulation of water resources utilization involving all watersheds, coastal waters, and inland water sources.

The Board shall have visitorial powers to inspect, investigate, and order the temporary or permanent closure of any commercial and industrial operations involving watershed, coastal, and inland water resources.

The Board shall have the authority to recommend courses of action and provide inputs to the issuance of environmental clearance certificates of the Department of Environment and Natural Resources.

Chapter 4 – The Philippine Rise and West Philippine Sea Authority

Section 16. The Philippine Rise and West Philippine Sea Authority. The Philippine Rise and West Philippine Sea Authority is hereby created to ensure the protection, conservation, and management of all resources, including those on and under the seabed of the Philippine Rise (formerly known as the Benham Rise) and the West Philippine Sea.

The Authority shall have a governing board. The Board shall be a collegial body, with the Department Secretary serving as its Chairman. The Board shall have six (6) Board Members. The Board shall convene en banc at least once every two (2) weeks for regular meetings.

One Board Member must be a practicing lawyer with specialization in environment law. One Board Member must be a practicing licensed master mariner. One Board Member shall represent the fisherfolk sector and chosen from a shortlist of six (6) nominees jointly endorsed by the NGOs for Fisheries Reform, Philippine Council on NGO Certification, and Cooperatives Development Authority. One Board Member must be a licensed practicing marine engineer. One Board Member must be a marine biologist. One Board Member shall represent the fisheries industry sector and nominated by nominated by the Philippine Chamber of Commerce and Industry.

For compensation and civil service purposes, each Board Member shall have the rank, compensation and emoluments of an assistant secretary.

The President shall appoint the full-time Board Members for a full term of four (4) years and may be reappointed only once. The Board Member shall hold office until their successors shall have been appointed and qualified. Should any Board Member resign or fail

to serve the entire term, the successor shall be appointed by the President of the Philippines to a full term.

The President of the Philippines shall simultaneously appoint the first full set of Board Members, and the Operations Director within sixty (60) days from the issuance of the executive order provided in Section 21 of this Act.

To ensure the continued operation of the Board and its public services in case of temporary vacancy in the event of the resignation, suspension, removal, permanent or prolonged incapacity, or death of the Department Secretary-Chairperson, the Board shall, in a special emergency meeting with the entire Board physically present or via video conference, temporarily designate the Acting Chairperson chosen from among the Board Members.

In case of temporary vacancy in the event of the resignation, suspension, removal, permanent or prolonged incapacity, or death of the Undersecretary-Chief Operating Officer, the Board shall, in a meeting with the entire Board physically present or via video conference, temporarily designate Operations Director as Acting COO.

Section 17. The Chairman of the Board. The Chairman, without the need for concurrence or consent of the whole Board, to:

1. appoint, subject to civil service laws and regulations, and upon recommendation of the Undersecretary and concurrent Chief Operations Officer, all Secretariat personnel, including the Operations Director; and
2. approve the budget, administrative, and operational plans, programs, and projects of the Board.

Section 18. The Board Secretariat. The Board shall have a Secretariat headed by an Operations Director, who shall be the head of the Secretariat. The Operations Director shall have the rank and emoluments of a Director V bureau director.

The Secretariat shall have divisions for the following concerns:

1. Legal Affairs;
2. Research;
3. Administration and Budgeting;
4. Finance; and
5. Public Information

Chapter 5 – The Inter-Agency Water Policy and Operations Coordination Council

Section 19. The Inter-Agency Policy and Operations Coordination Council. The Inter-Agency Water Policy and Operations Coordination Council is hereby created to ensure streamlined and seamless coordination of policies and operations of the Department which involve other departments, other national agencies and local governments. The Council shall convene en banc at least once a month for regular meetings.

The Council shall issue joint orders, issuances, and such other directives as are necessary to implement their coordination mandate.

1. Department of Environment and Natural Resources;
2. Department of Agriculture;
3. Department of Tourism;
4. Department of Transportation;
5. Department of Human Settlements and Urban Development;
6. Department of Interior and Local Government;
7. Department of Science and Technology; and
8. Metro Manila Development Authority.

The Council shall have a Secretariat headed by an Operations Director, who shall be the head of the Secretariat. The Operations Director shall have the rank and emoluments of a Director V bureau director.

In case of temporary vacancy in the event of the resignation, suspension, removal, permanent or prolonged incapacity, or death of the Operations Director, the Board shall designate the deputy director as Acting Operations Director.

The Secretariat shall have divisions for the following concerns:

1. Legal Affairs;
2. Research;
3. Administration and Budgeting;
4. Finance; and
5. Public Information

The President of the Philippines shall appoint the Operations Director within sixty (60) days from the issuance of the executive order provided in Section 21 of this Act.

Chapter 6 – Transitory Provisions and Implementing Executive Order

Section 20. Transitory Provisions. The Water and Fisheries Transitory Coordinating Council, hereinafter referred to as the Transitory Council, is hereby created to consolidate and merge the following government agencies with different mandates on water resources and fisheries:

1. National Water Resources Board;
2. Local Water Utilities Administration;
3. National Irrigation Authority;
4. Dam Management Unit of the National Power Corporation;
5. Bureau of Fisheries and Aquatic Resources;
6. Philippine Fisheries Development Authority;
7. Laguna Lake Development Authority;
8. Metropolitan Waterworks and Sewerage System;
9. Pasig River Rehabilitation Commission; and
10. River Basin Control Office of the Department of Environment and Natural Resources

The Department Secretary, undersecretaries, assistant secretaries, and the heads of the aforementioned agencies provided in this Act shall comprise the Transitory Council.

The Transitory Council, in coordination with the Department of Budget and Management, Presidential Management Staff and Governance Commission on GOCCs and in consultation with the Civil Service Commission, shall complete the full operationalization of the Department not later than one hundred eighty (180) days from the effectivity of this Act. The Transitory Council shall cease to exist at the end of those 180 days.

The Transitory Council shall formulate and implement a Transition Governance and Operations Policy and Guidelines that shall govern the Council and agencies being consolidated into the Department.

The Department Secretary shall approve and issue the Transition Governance and Operations Policy and Guidelines, within thirty (30) days after his or her appointment by the President of the Philippines.

Section 21. Implementing Executive Order. The President of the Philippines shall, upon recommendation of the Transitory Council, issue an executive order consistent with this Act, not later than one hundred eighty (180) days from the effectivity of this Act, that shall:

1. permanently govern the operations of the Department;
2. adopt and approve the Integrated Water and Fisheries Resources Continuum Management Guiding Principles and Strategy;
3. approve the Department staffing and compensation program;
4. define the functions, roles, responsibilities and accountabilities of the line bureaus, staff bureaus, and secretariats of the attached agencies; and
5. approve the initial operating budget of the Department.

Section 22. Appropriations. The annual budget of the Department shall be included in the regular or special appropriations. During the transition and in the initial year of operations, the current budgets of the agencies for consolidated into the Department shall be the budget of the Department.

The President is hereby authorized to source the operating budget of the Transitory Council and the augment the budget of the Department from savings and other available funds certified by the Secretary of Budget and Management. These funds shall be directly released to the Transitory Council within fifteen (15) days from the appointment of the Department Secretary and to the Department within fifteen (15) days from the issuance of the executive order provided in Section 21 of this Act.

Chapter 7 – Final Provisions

Section 23. Separability. - If any provision or part of this Act is declared invalid or unconstitutional, the remaining parts or provisions not affected shall continue to be in full force and effect.

Section 24. Repealing Clause. - All laws, executive orders, and administrative orders or parts thereof inconsistent with any provision of this Act are hereby repealed or amended accordingly.

Section 25. Effectivity Clause. - This Act shall take effect fifteen (15) days after its publication in the online version of the *Official Gazette* or in two (2) newspapers of general circulation or with established internet website presence.

Approved.