



Republic of the Philippines
House of Representatives
Quezon City, Metro Manila

EIGHTEENTH (18th) CONGRESS
First Regular Session

HOUSE BILL NO. 4124

Introduced by REP. JOSE CHRISTOPHER Y. BELMONTE

EXPLANATORY NOTE

In the 16th Congress, House Resolution No. 2577 was filed by Speaker Feliciano “Sonny” R. Belmonte, Jr. that urged government offices and agencies to develop rainwater harvesting and recycling programs to help the country adapt to climate change.

Other measures were then filed in the 17th Congress to mandate and institutionalize rainwater harvesting facilities in institutional, commercial and residential infrastructures in the country. One of which was House Bill No. 4340, otherwise known as “Rainwater Harvesting Facility Act,” with this representation as one of its principal authors. HB 4340 passed the third and final reading and was transmitted to the Senate for appropriate actions.

This bill is in consonance to the mandate of the State to its people to “protect and advance the right of the people to a balanced and healthful ecology” as stated in the Article II, Section 16 of the 1987 Constitution of the Republic of the Philippines.

Intense typhoons are frequent yet unwelcome visitors of Filipinos. These are brought about by the effects of climate change in the Philippines. Cities of Metro Manila are unable to absorb the rainwater from the tropical cyclones. In turn, major roads and thoroughfares are drenched in floodwater. Worse, they even devastate residential and commercial establishments and areas. More often than not, these natural disasters even claim lives of vulnerable people.

In some months, on the other hand, recurrent droughts are felt and experienced in several parts of the Philippines. The eleven (11) barangays of District 6 of Quezon City were no exception. Some of my constituents have experienced the loss of water caused by the El Niño phenomenon where dams that serve Metro Manila reached low critical levels. Water service providers were forced to schedule water interruptions. And if the situation becomes severe, it may cause health problems or diseases.

With these effects that climate change poses, this bill aims to transform the problem into a solution by institutionalizing the establishment of rainwater harvesting facilities in Metro Manila. This will lead to the reduction of flooding in highly-urbanized areas while collecting, filtering, and storing water for future and multiple uses.

It can also be perceived as a resolve to the impending and worsening drought situation of the metropolis. Instead of merely relying on water service providers and the dams, rainwater is a natural resource waiting to be utilized especially that the Philippines is a tropical country receiving up to 4,046 millimeters of rainwater annually. This is a cost effective, practical and sustainable solution to the El Niño phenomenon.

These facilities will be a quintessence of Filipino resiliency and resourcefulness. Filipinos, as we always do, learn how to adapt, prepare, and figure out the answers to challenges we face as a nation.

In view of the foregoing, the immediate passage of this bill is earnestly sought.

J. Capinera



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AN ACT

**MANDATING THE ESTABLISHMENT AND MAINTENANCE OF A RAINWATER
HARVESTING FACILITY IN ALL NEW INSTITUTIONAL, COMMERCIAL, AND
RESIDENTIAL DEVELOPMENT PROJECTS IN METRO MANILA**

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

1 SECTION 1. **Short Title.** – This Act shall be known as the “*Rainwater Harvesting*
2 *Facility Act.*”

3 SEC. 2. **Declaration of Policy.** – It is declared a policy of the State to protect and
4 advance the right of the people to a balanced and healthful ecology in accord with the rhythm
5 and harmony of nature. Pursuant thereto, the State shall mandate the establishment of rainwater
6 harvesting facilities to reduce flooding and relieve the metropolis of the devastating effects of
7 typhoons and other weather disturbances, shall urge the conservation of potable water, and
8 shall engage the active participation of the public and private sector in the flood mitigating
9 efforts and initiatives of the government.

The State recognizes Metro Manila as one of the densest areas in the country. To mitigate the adverse effects of a continuing growth in population and widening community developments, the State shall ensure that Metro Manila local governments are capacitated to respond to threats wrought by natural calamities and disasters such as massive flooding. Towards this end, the State shall mandate the construction of rainwater harvesting facilities in all new public and private commercial, institutional, and residential developments in Metro Manila. Pursuant thereto owners and developers of all new public and private commercial, institutional, and residential development projects in Metro Manila requiring the issuance of building permit are mandated to design and construct a rainwater harvesting facility to prevent or delay the release of rainwater and runoff water into the public drainage systems, creeks, and natural waterways.

SEC. 3. ***Definition of Terms.*** – As used in this Act:

a) *Rainwater harvesting facility* refers to a flood control structure such as vertical detention tank, horizontal water tank, open retarding basin, and multi-use water catchment area, or an on-site regulation pond used to prevent to delay the release of rainwater into the public drainage system; and

b) *Rainwater Harvesting Facility Requirement* refers to the average length of time in years for a rain-related natural disaster of given magnitude to be equaled or exceeded by the length of time that a rainwater-related disaster may probably recur.

SEC. 4. ***Rainwater Harvesting Facility Requirement.*** – An owner or developer of a new commercial, institutional, and residential development project in Metro Manila, with an area of at least one thousand five hundred (1,500) square meters and requiring the issuance of building permit, shall reserve, develop, and maintain at least three percent (3%) of the total area, exclusive of roads, service streets and alleys, as a rainwater harvesting facility.

The owner or developer of an on-going commercial, institutional, and residential development project in Metro Manila that has no existing provision for a rainwater harvesting facility shall build the facility within a period of three (3) years from the effectivity of this Act, or suffer the penalty imposed in Section 8 thereof..

To conserve potable water, rainwater collected by a harvesting facility may be used for non-potable and suitable purposes, such as gardening and air-cooling processes.

SEC. 5. *Design Approval.* – The provision for a rainwater harvesting facility shall be required by the Department of Human Settlements and Urban Development (DHSUD) and local government units (LGUs) to be incorporated in the design of all new commercial, institutional, and residential development projects in Metro Manila and no project design shall be approved for construction unless it includes such facility. The DHSUD and the LGUs shall ensure that these facilities are built during the construction phase of the projects.

SEC. 6. *Design Requirements.* – The rainwater harvesting facility must be designed to cope with a pre-determined flood and rain return period and must have a storage capacity prescribed by the Department of Public Works and Highways (DPWH). The design of the rainwater harvesting facility shall include the following:

- a) Size, shape and physical characteristics of available space;
- b) Construction plans with specified material type including lining and coating requirements; and
- c) Detailed drawing on how the installation will drain into an outfall structure such as drywell or percolation chamber, storm drain system, drainage channel, or natural wash.

SEC. 7. *Building Permits.* – If the design of a new commercial, institutional, and residential project in Metro Manila with an area of at least one thousand five hundred (1,500)

square meters does not provide for a rainwater harvesting facility, the LGU concerned shall deny the request for issuance of a building permit for such project.

SEC. 8. ***Penalties.*** – The owner or developer of all new commercial, institutional, and residential development projects in Metro Manila who fails to construct a rainwater harvesting facility in violation of Section 4 of this Act shall suffer the penalty of a fine of not less than Five hundred thousand pesos (P 500,000.00), but not more than Two million pesos (P 2,000,000.00) for every year of non-compliance.

In the case of a partnership, association, corporation or any juridical person, the fine shall be imposed upon the president, treasurer or any other officer or person responsible for the violation.

If the offender is a foreigner, the foreigner shall be deported immediately without further proceedings after payment of fine.

The head of the government institution who violated Section 4 of this Act, or government officials, employees, and agents who issue licenses or permits in violation of Section 8 of this Act, shall suffer the penalty of suspension of not less than ten (10) days, but not more than one hundred eighty (180) days after due notice and hearing in an appropriate administrative proceeding.

SEC. 9. ***Implementing Rules and Regulations.*** – Within sixty (60) days from the effectivity of this Act, the Secretary of Public Works and Highways shall, in coordination with the Secretary of the Interior and Local Government, the Secretary of Human Settlements and Urban Development, and the Administrator of the Philippine Atmospheric, Geophysical and Astronomical Services Administration, promulgate the rules and regulations for the effective implementation of this Act. The implementing rules and regulations shall include the standards and guidelines for the design, construction, installation, materials, site selection and planning, site-specific considerations, and maintenance of the rainwater harvesting facility.

1 SEC. 10. ***Separability Clause.*** – If any provision or part of this Act is declared invalid
2 or unconstitutional, the remainder of this Act or any provisions not affected thereby shall
3 remain in full force and effect.

4 SEC. 33. ***Repealing Clause.*** – All other laws, rules and regulations, orders, circulars,
5 and other issuances or parts thereof, which are inconsistent with the provisions of this Act are
6 hereby repealed or amended accordingly.

7 SEC. 34. ***Effectivity.*** – This Act shall take effect fifteen (15) days after its publication
8 in the *Official Gazette* or in a national newspaper of general circulation.

9 *Approved,*