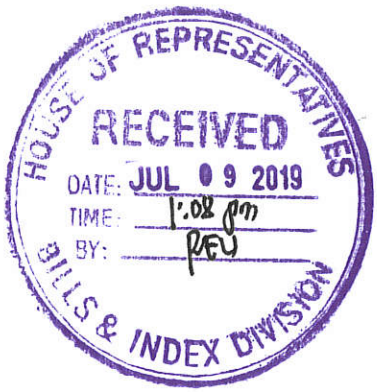
Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 1697



Introduced by HONORABLE LUIS RAYMUND F. VILLAFUERTE, JR.

EXPLANATORY NOTE

Metro Manila is annually drenched with some 20,000 millimeters rainwater. A significant part of the National Capital Region (NCR) and other major cities are unable to absorb the rainwater they receive. Instead of undergoing the earth's natural process of recycling rainwater through its aquifers, the rainwater proceeds to the sewers - polluting the surrounding bodies of water and flooding roads. It is lamentable that despite the incessant flooding of major thoroughfares resulting in heavy traffic, the State has failed to come up with measures to address the situation.

The bill hereby requires the installation of rainwater retention facilities in all new commercial, institutional, and residential infrastructure projects in Metro Manila and other major cities with the primary goal of preserving, restoring, or mimicking the natural hydrology of the soil. These rainwater retention facilities shall capture the rainwater, purify the same, and store it for non-potable uses thereby effectively reducing the amount of rainwater that submerges Metro Manila roads during the rainy season, as well as feed the demand for water in the cities.

Places like Cebu, Baguio, and Nueva Ecija have already adapted measures to utilize rainwater for non-potable uses. Internationally, the state of California passed its own Rainwater Capture Act back in 2012 to address the widespread drought that its residents suffer during the dry season. In Australia, most buildings use captured rainwater for fountains, and in flush toilets.

Rainwater is a free, abundant, and regular natural resource that the Philippines is fortunate to receive year in and out. It is high time that we make of it for the general advantage of our people. In consideration of the foregoing premises, the swift passage of this bill is sought.

LUIS RAYMUND "LRAY" F. VILLAFUERTE, JR.

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AN ACT
REQUIRING NEW COMMERCIAL, INSTITUTIONAL, AND RESIDENTIAL INFRASTRUCTURE PROJECTS IN METRO MANILA AND MAJOR CITIES IN THE PHILIPPINES TO INSTALL RAINWATER RETENTION FACILITIES, AND IMPOSING PENAL PROVISIONS IN CASE OF VIOLATIONS

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

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

SECTION. 2. ***Declaration of Policy.*** **–** It is the declared policy of the State to promote the health and welfare of its citizens, and exercise sufficient powers to preserve the natural ecology within its territory.

The State recognizes the urgent need to address the adverse effects of dramatic climate change, including typhoons of unprecedented strength, speed, and consequent damage. Flooding has become a regular occurrence in the busy roads of Metro Manila

SECTION. 3. ***Definition of Terms.*** **–** As used in this Act, the following terms shall be defined as:

a) *Department* refers to the Department of Public Works and Highways (DPWH);

b) *Green infrastructure* means any storm water management technique or practice employed with the primary goal of preserving, restoring, or mimicking natural hydrology;

c) *Rainwater* means precipitation on any public or private parcel that has not entered an offsite storm drain system or channel, a flood control channel, or any other stream channel, and has not previously been put to beneficial use;

d) *Rainwater harvesting facility* refers to a flood control structure such as a vertical detention tank, horizontal water tank, open retarding basin, and multi-use water catchment area, or an on-site regulation pond used to capture, retain, and store rainwater flowing off a building, parking lot, or any other manmade, impervious surface consequently preventing or delaying the release of rainwater into the public drainage system; and

e) *Return period* refers to the average length of time in years for a rain-related natural disaster of given magnitude be equaled or exceeded by the length of time that a rainwater-related disaster may probably recur.

SECTION. 4. *Rainwater Harvesting Facility Requirement.* – An owner or developer of a new commercial, institutional and residential development project in Metro Manila and other major cities, 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 (3%) of the total area, exclusive 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 and other major cities that has no existing provision for a rainwater 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 hereof.

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.

It is the intent of the Legislature that the use of rainwater for non-potable uses should not be constrained by standards for drinking water or recycled water but shall fully comply with water quality requirements.

SECTION. 5. *Design Approval.* – The provision for a rainwater harvesting facility shall be required by the Housing and Land Use Regulatory Board (HLURB) and local government units (LGUs) to be incorporated in the design of all new commercial, institutional, and residential development projects in Metro Manila and other major cities, and no project design shall be approved for construction unless it includes such facility. The HLURB and the LGUs shall ensure that these facilities are built during the construction phase of the projects.

SECTION. 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 include the following:

a) Size, shape and physical characteristics of available space;
b) Construction plans with specified material type including lining and coating requirements;
c) Detailed drawing on how the installation will drain into an outfall structure as a drywell or a percolation chamber, storm drain system, drainage channel, or natural wash; and
d) Mechanism to exclude mosquitoes and not permit mosquito production.

SECTION. 7. ***Building Permits.*** **–** If the design of a new commercial, institutional, and residential project in Metro Manila and other major cities 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.

SECTION. 8. ***Reportorial Requirements.*** **–** The DPWH shall require the owner or developer of all of all new commercials, institutional, and residential development projects covered under this Act to submit a compliance report within 12 months from the date of the completion of the project.

The DPWH shall henceforth require the building owners to submit an annual report of the performance of such rainwater retention facility which may include, but is not limited to information on the total volume of retained rainwater and its utilization.

SECTION. 9. ***Penalties.*** **–** The owner or developer of all new commercial, institutional, and residential development projects in Metro Manilla and other major cities 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 50,000.00), but not more than Two million pesos (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 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 violates 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.

SECTION. 10. ***Implementing Rules and Regulations (IRR).*** **–** Within sixty (60) days from the effectivity of this Act, the Secretary shall, in coordination with the Secretary of the Department of Interior and Local Government (DILG), the Chief Executive Officer (CEO) of the Housing and Land Use Regulatory Board (HLURB), and the Administrator of the Philippines Atmospheric, Geophysical and Astronomical Services Administration (PAGASA), 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.

SECTION. 11. ***Separability Clause.*** **–** If any provision or part of this Act is declared invalid or unconstitutional, the remaining parts or provisions not affected shall remain in full force and effect.

SECTION. 12. ***Repealing Clause.*** **–** All other laws, ordinances, rules, regulations, issuances or parts thereof inconsistent with this Act are hereby repealed or modified accordingly.

SECTION. 13. ***Effectivity Clause.*** **–** This Act shall take effect fifteen (15) days following its publication in at least (2) newspapers of general circulation.

Approved,