

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS

First Regular Session

HOUSE BILL NO. 3172



Introduced by **Honorable ABRAHAM "BAMBOL" N. TOLENTINO**

EXPLANATORY NOTE

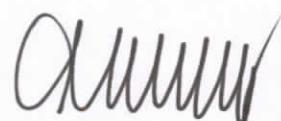
Water is a primary human need and access to safe and clean drinking water is a basic human right as recognized by the United Nations. According to a study by the Japan International Cooperation Agency and the Philippines National Water Resources Board, all major cities in the Philippines are foreseen to suffer a water shortage by 2025. Water shortages was listed in 2019 by the World Economic Forum as one of the largest global risks in terms of potential impact over the next decade.

Despite being an archipelago and being abundant in bodies of water such as lakes, rivers, river basins, and groundwater reservoirs, the Philippines has already been facing water shortages even before the foreseen 2025 water crisis. One of which was the Metro Manila water crisis in which 52,000 households began experiencing water shortages on March 2019. This is caused by the impact of rapid population growth, urbanization, deforestation, excessive use of water by both the private and public sector, and climate change. An enactment of a feasible, effective, and efficient long-term solution is necessary to combat the threat of a foreseen water crisis, ensuring access to adequate safe water.

This bill, therefore, seeks to create the Department of Water Resources Management which shall be the primary agency responsible for the comprehensive and integrated water resource management in the Philippines. The Department shall exercise powers to review, develop, and revise policies and regulations for the conservation of water and managing the optimum use of water resources. In managing water resources, the Department aims to improve water conservation and sanitation, increase system efficiencies, and oversee the water management of the private and public sector.

Following the lead of other countries, including Japan, Australia, China, and India, that have found it wise to create a special department to manage water resources, the availability of portable water in the Philippines and continuing water supply for industrial, domestic, and agricultural may be ensured.

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

A handwritten signature in black ink, appearing to read "Almawi".

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HOUSE BILL NO. 3172

Introduced by Honorable ABRAHAM N. TOLENTINO

**AN ACT CREATING THE DEPARTMENT OF WATER
RESOURCES MANAGEMENT, DEFINING ITS POWERS
AND FUNCTIONS, AND APPROPRIATING FUNDS THEREFOR,
AND FOR OTHER PURPOSES**

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

CHAPTER 1

GENERAL PROVISIONS

3 Section 1. *Short Title.* – This Act shall be known as the "Department of Water
4 Resources Management Act of 2018."

5 Sec. 2. *Declaration of Policy.* – It is hereby declared the policy of the State to
6 recognize, protect, realize, and enhance the right of all Filipinos to safe, clean,
7 affordable, and accessible drinking water as essential to the full enjoyment of life
8 and all human rights and the protection and sustainability of the environment.

In pursuit of said policy, this Act shall have the following objectives:

- 10 a) To prioritize and pursue the immediate attainment of universal access to safe,
11 adequate and sustainable water supply for all Filipinos and adopt all
12 necessary measures directed towards the realization of the human right to
13 water; and
14 b) To strengthen and coordinate water resource planning and policymaking to
15 ensure sustainable and fair allocation and efficient use of water resources

between competing water uses and users, including but not limited to domestic and municipal use, irrigation, sanitation, power generation, farming, fisheries, commercial, and industrial use.

Sec. 3. Definition of Terms. — For purposes of this Act, the following terms are hereby defined:

- a) *Department* refers to the Department of Water Resources Management.
 - b) *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 prevent or delay the release of rainwater into the public drainage system.
 - c) *Sanitation* refers to sewage, sanitation, and septage management.
 - d) *Sewerage* refers to any system or network of sanitary pipelines, ditches, channels, or conduits including pumping stations, lift stations, and force mains, service connections including other constructions, devices, or appliances appurtenant thereto, which includes the collection, sanitary piping transport, pumping and treatment of water-borne human or animal waste removed from residences, buildings, institutions, and industrial and commercial establishments to point of sewage treatment plant disposal.
 - e) *Sewage* refers to water-carried waste in solution or suspension, including sanitary waste (waste products of normal living), commercial waste, Industrial waste, agricultural waste, and surface runoff, conveyed by a sewerage system for treatment or disposal. For purposes of this Act, the definition of septage shall be included in the use of sewage.
 - f) *Septage* refers to sludge produced on individual on-site wastewater disposal systems, principally septic tanks and cesspools.

The terms *infrastructure* and *public works* as used in this Act should be ready to apply only to wholly or primarily water-related projects and shall not be read to incorporate projects which would not otherwise fall within the purview of the objectives, powers, and duties of the Department.

CHAPTER II ORGANIZATION

1 Sec. 4. *The Department of Water Resources Management.* — There is hereby
2 created and established the Department of Water Resources Management,
3 hereinafter referred to as the "Department," which shall be organized within one
4 hundred twenty (120) days after the effectivity of this Act. The Department shall be
5 tasked with developing and implementing a comprehensive water usage and
6 conservation program for the Philippines including, but not limited to:

- 7 a) Implementing necessary policy and resource reforms with respect to the
8 management of all water resources including irrigation, sewage, and
9 sanitation;
- 10 b) Monitoring and evaluating compliance with the national goals relating to
11 water, irrigation, sewage, and sanitation;
- 12 c) Formulating a national updated road map to address the water, sewage, and
13 sanitation requirements of the State; and
- 14 d) Improving conservation of water and increasing system efficiencies.

15 Sec. 5. *Powers and Duties of the Department.* — The Department shall have
16 the following powers and duties, among others:

- 17 a) Develop policies to promote universal access to safe, adequate, affordable
18 and sustainable water supply, irrigation, sewage, and sanitation services for
19 all Filipinos;
- 20 b) Coordinate with relevant government agencies or entities to provide policy
21 directions, strategies, and targets to meet the goals and objectives for water
22 supply, irrigation, sewage, and sanitation. Such policies shall, among other
23 things, integrate the issues of water, irrigation, sewer, energy, environment
24 and food security;
- 25 c) Manage and protect the country's water resources to ensure the optimal use
26 thereof for domestic water supply, sewage, sanitation, irrigation, hydropower,
27 navigation, flood control, and recreation including the enhancement and
28 maintenance of water quality, conservation of watersheds control of water
29 pollution, and environmental restoration, without compromising the natural
30 ecosystem functions and services;
- 31 d) Manage the ownership, appropriation, utilization, exploitation, development,
32 conservation and protection of water resources including but not limited to

- 1 ground water, surface water, rainwater, run-offs, floods, stormwater and
2 urban drainage, and treated wastewater and the rights to land related thereto
3 and their competing demands;
- 4 e) Ensure the protection of all water resources with greater emphasis on sources
5 of drinkable water and coordinate with the Local Government Units (LGUs) for
6 the protection of waters within their jurisdictions especially on pollution
7 prevention and restoration of rivers;
- 8 f) Undertake and coordinate with other agencies and government entities in
9 data gathering, scientific research, and studies on water resources
10 management and development, and conduct nationwide hydrologic surveys to
11 determine the annual renewable water available per water region;
- 12 g) Formulate and enforce rules and regulations in the administration and
13 management of the country's water resources and implement rules and
14 guidelines for the enforcement of water-related laws;
- 15 h) Conduct continuing surveys and studies of the country's renewable water
16 supply with a view towards formulation long-term policies to balance the
17 sustainability and optimal use of water resources, defining the hydrologic
18 boundaries of basins of the existing water supply sources, and creating and
19 implementing countrywide master plans for water resources management and
20 development;
- 21 i) Coordinate with and assist other government agencies in all aspects of data
22 gathering, conduct studies and research, and classify and establish water
23 quality standards for surface and ground water, including national standards
24 for drinking water and wastewater effluence in coordination with relevant
25 agencies;
- 26 j) Coordinate with other relevant agencies to engage in flood control and flood
27 risk management. formulate integrated water resources management (IWRM)
28 policies and plans, and coordinate the implementation, promotion, revision
29 and enhancement of IWRM plans;
- 30 k) Effect and compel inter-sectoral, inter-agency, and inter-departmental
31 coordination on water, irrigation, energy, environmental, sewage, and

- sanitation resources development planning with the aim of operationalizing the integrated approach water resources management;
- I) Regulate and control the utilization, exploitation, abstraction, diversion, and development of water resources, taking into account its equitable distribution, and determine the standards of beneficial and priority uses of water in times of crisis and national emergencies;
 - m) Promote water recycling and conservation as well as spearhead the efforts towards the study, research, feasibility, installation and operation of desalination systems;
 - n) Assist and provide the National Economic and Development Authority (NEDA) with required data and inputs from and for the water sector in the formulation of the country's short-term and long-term strategic development plans and actions;
 - o) Coordinate with other relevant government agencies and develop policies and plans in respect of water resources for farming, including sustainable mechanisms for irrigation;
 - p) Coordinate with other relevant government agencies in order to educate the public regarding water conservation, recycling, and other relevant information for the fulfillment of the goals of this Act.
 - q) Pass upon, approve, or disapprove all plans, programs, or development projects of private individuals, corporations, and government agencies, whether national or local, that affect water resources, its diversion or abstraction. and the construction of hydraulic facilities. including but not limited to plans and projects in watershed or basin areas of water supply sources, which have direct or indirect impact on the affected locality's water resources;
 - r) Review from time to time regulations prescribed by any government agency pertaining to water use, exploitation, development, conservation, or protection of waters, water resources, and watershed or basin areas;
 - s) Authorize its representatives or any deputized agent to enter any property of public dominion or any private land, building, or enclave, whether inhabited or not for the purpose of conducting hydrologic surveys and investigations,

- 1 including assessing and evaluating the conditions of water facilities installed
2 and determining compliance with water laws and standards;
- 3 t) Require LGUs and national agencies to submit zoning and land use
4 management plans to ensure the integration of water resource management
5 plans; Provided, that no zoning and land use plan shall become effective and
6 enforceable unless and until a certification of integration of water, sewage,
7 and sanitation resource management plan has been issued by the
8 Department. Should the Department have serious concerns affecting
9 conservation and sustainability of water supply, such concerns must first be
10 resolved by the Department and the concerned LGU and/or national agency.
11 However, in the absence of such concerns, the concerned LGU and/or
12 government agency may, ninety (90) days from the submission of its zoning
13 and land use plan and after submitting to the Department a written notice of
14 compliance with this provision, proceed with the implementation of its zoning
15 and land use plan without prejudice to later integration of the water resource
16 management plan for the locality;
- 17 u) Provide technical assistance to water, irrigation, sewer and sanitation users,
18 whether directly or in coordination with other agencies, to assist them in
19 applying for water and irrigation permits and providing data on water,
20 irrigation, sewage, and sanitation resource usage;
- 21 v) Plan, design, construct, and/or improve all types of irrigation projects and
22 appurtenant structures;
- 23 w) Operate, maintain, and administer all national irrigation systems (NIS);
- 24 x) Supervise the operation, maintenance, and repair, or otherwise, administer
25 temporarily all communal and pump irrigation systems constructed, improved,
26 and/or repaired wholly or partially with government funds;
- 27 y) Supervise the operation, maintenance, and repair, or otherwise, administer
28 temporarily all communal and pump irrigation systems constructed, improved,
29 and/or repaired wholly or partially with government funds;
- 30 z) Delegate the partial or full management of NIS to duly organized cooperatives
31 or associations;

- 1 aa) Construct multiple-purpose water resources projects designed primarily for
2 irrigation, and secondarily for hydraulic power development and/or other uses
3 such as flood control, drainage, land reclamation, domestic water supply,
4 roads and highway construction, and reforestation, among others; Provided,
5 that the plans, designs and the construction thereof shall be undertaken in
6 coordination with the agencies concerned;
- 7 bb) Charge and collect from the beneficiaries of the water from all irrigation
8 systems constructed by under its administration;
- 9 cc) In coordination with other relevant government agencies, develop and
10 implement effective codes, standards and reasonable guidelines to ensure the
11 safety of all public and private structures in the country and assure efficiency
12 and proper quality in the construction of water, irrigation, sewage, and
13 sanitation infrastructures;
- 14 dd) Coordinate with relevant government agencies, including the Department of
15 Environment and Natural Resources, to ensure that the agencies' respective
16 standards complement each other when taken as part of a larger whole;
- 17 ee) In coordination with other relevant agencies, ascertain that all plans and
18 project implementation designs are consistent with current standards and
19 guidelines;
- 20 ff) Provide the works supervision function for all public works construction and
21 ensure that actual construction is done in accordance with approved
22 government plans and specifications;
- 23 gg) Assist other government agencies, including LGUs, in determining the most
24 suitable entity to undertake the actual construction of water, irrigation,
25 sewage, and sanitation projects;
- 26 hh) Maintain and cause to be maintained all flood control, water resource
27 development systems, irrigation systems, and other public works throughout
28 the country except those that are the responsibility of other agencies as
29 directed by the President of the Philippines or as provided by law;
- 30 ii) Provide integrated planning for flood control, flood risk management and
31 water resource development and management systems, other public works;

- 1 jj) Issue and promulgate rules, regulations, and guidelines as may be necessary
2 to implement and enforce its powers and functions under this Act;
- 3 kk) Determine and require the monitoring and submission of such data, statistics,
4 and other information as may be necessary for the effective and efficient
5 exercise of its duties, functions, powers and responsibilities;
- 6 ll) Respond to consumer complaints and ensure the adequate promotion of
7 consumer interests;
- 8 mm) Deputize agents, whether from the public or private sector, to assist in
9 the performance of any of the powers and functions of the Department;
- 10 nn) Appoint, hire, and maintain adequate staff and personnel, advisers, and/or
11 consultants, with suitable qualifications and experience, as necessary;
- 12 oo) Manage funds coursed through it under General Appropriations Act
13 intended as financial assistance to LWDs or LGUs for the development and/or
14 improvement of water supply and sanitation facilities;
- 15 pp) Exercise such other powers and functions necessary or incidental to
16 the effective administration and management of the country's water,
17 irrigation, sewage, and sanitation resources;
- 18 qq) Exercise such other incidental powers and functions as may be necessary to
19 attain the objectives of this Act;
- 20 rr) Carry such other functions as the President may from time to time assign to
21 the Department consistent with the aims and provisions of this Act; and
- 22 ss) Promulgate rules on prohibited acts and impose the appropriate penalties
23 thereto.

24 Sec. 6. *Barangay Water Harvesting.* – The duties under Republic Act No. 6716
25 or the Act Providing for the Construction of Water Wells, Rainwater Collectors,
26 Development of Springs and Rehabilitation of Existing Water Wells in All Barangays
27 in the Philippines of 1989 shall be transferred from the Department of Public Works
28 and Highways to the Department who shall consult with the respective LGUs for
29 implementation. The Department shall, within two (2) years after the approval of
30 this Act and every year thereafter, submit periodic reports to the respective
31 Committees on Local Government of both Houses of the Congress of the Philippines
32 for evaluation and consideration.

1 *Sec. 7. Rainwater Harvesting Facility Requirement.* – An owner or developer
2 of a new commercial, institutional, and residential development project anywhere in
3 the Philippines with a land area of at least two thousand (2,000) square meters and
4 requiring the issuance of a building permit, shall reserve, develop, and maintain at
5 least three percent of the total area, exclusive of roads, service streets, and alleys as
6 a rainwater harvesting facility. The Housing and Land Use Regulatory Board (HLURB)
7 and the LGUs shall require and ensure compliance with this provision and shall deny
8 requests for permits concerning the construction project until this provision is
9 complied with. The design and specifications for the rainwater harvesting facility
10 shall be prescribed by the Department. Projects still under construction 60 days
11 following the effectivity of this Act shall be covered by this provision and shall
12 comply within three (3) years from the effectivity of this Act.

13 Violators of this provision shall suffer the penalty of a fine of not less than
14 Five hundred thousand (Php500,000) but not more than Two million pesos
15 (Php2,000,000) for every year of non-compliance.

16 *Sec. 8.* A person is guilty of unlawful defilement of water when he
17 intentionally or with reckless imprudence, introduces, places, or causes to be
18 introduced or placed into a water supply, a defiling agent with the intent to cause
19 sickness, physical injury, severe disfigurement or death of another human being, or
20 with intent to cause irreparable harm to such water supply or to disturb the public
21 peace.

22 Violators of this provision shall be penalized with imprisonment of not less
23 than five (5) years but not more than 30 years. A fine of not less than Five hundred
24 thousand pesos (Php500,000) but not more than Ten million pesos (Php10,000,000)
25 shall also be imposed.

26 *Sec. 9. Collection of Fines.* – Fines collected from violators of the two
27 preceding provisions shall be place in a special fund and allocated to the Department
28 for the implementation of Sec. 6 of this Act.

29 *Sec. 10. Secretary of the Department of Water Resources Management.* —
30 The
31 authority and responsibility for the exercise of the mandate of the Department and
32 for the discharge of its powers and functions shall be vested in the Secretary of the

1 Department of Water Resources Management, hereinafter referred to as the
2 Secretary, who shall have supervision and control over the Department and shall be
3 appointed by the President. For such purposes, the Secretary shall:

- 4 a) Advise the President on the promulgation of executive or administrative
5 orders, regulations, proclamations, and other issuances relative to matters
6 under the jurisdiction of the Department;
- 7 b) Establish the policies and standards for the operation of the Department
8 pursuant to the President's guidelines;
- 9 c) Promulgate rules and regulations necessary to carry out Department
10 objectives, policies, and functions;
- 11 d) Exercise supervision and control over all Bureaus and Offices under the
12 Department;
- 13 e) Supervise all attached agencies and corporations in accordance with law;
- 14 f) As deemed appropriate by the Secretary, delegate authority for the
15 performance of any power or function, as defined herein or as delegated by
16 the President, to officers and employees under his direction; and
- 17 g) Perform such other duties and responsibilities as may be provided by law.

18 Sec. 11. *Office of the Secretary* — The Office of the Secretary shall be
19 composed of the Secretary and his immediate staff.

20 Sec. 12. *Undersecretaries*. — The Secretary shall be assisted by not more
21 than five (5) Undersecretaries, who shall be appointed by the President upon the
22 recommendation of the Secretary, as follows:

- 23 1) One for the Finance Service;
- 24 2) One for the Administrative Service;
- 25 3) One for the Planning and Engineering Services;
- 26 4) One for the Regulatory and Financial Assistance Services; and
- 27 5) One for the Operations.

28 Within her/his functional area of responsibility, an Undersecretary shall have the
29 following functions:

- 30 a) Advise and assist the Secretary in the formulation and implementation of
31 Department policies, plans, programs, and projects;

- b) Supervise all the operational activities of the units assigned to her/him, for which she/he is responsible to the Secretary; and
 - c) Perform such other duties and responsibilities as may be assigned or delegated by the Secretary to promote efficiency and effectiveness in the delivery of public services or as may be required by law.

Sec. 13. Assistant Secretaries. — The Secretary shall also be assisted by one Assistant Secretary for Internal Audit and the five (5) Undersecretaries shall each be assisted by not more than three (3) Assistant Secretaries likewise appointed by the President of the Philippine upon the recommendation of the Secretary.

Sec. 14. Organizational Structure. – The Department shall be composed of the following organization units:

- a) Department Proper consisting of the Office of the Secretary, the Offices of the Undersecretaries and Assistant Secretaries, the Internal Audit, Finance Service, Administrative Service, Planning and Engineering Services, Regulatory and Financial Assistance Services, and Operations; and
 - b) Regional Offices, as deemed appropriate and necessary by the Secretary, taking into consideration the existing water resources regions, river basins, and catchment basins of the country.

Sec. 15. *Internal Audit.* — The Internal Audit is hereby created for the purpose of conducting comprehensive audit of various Department activities and shall have the following specific functions:

- a) Advise the Secretary on all matters relating to management control and operations audit;
 - b) Conduct management and operations performance audit of Department activities and units and determine as to compliance with established objectives, policies, methods and procedures, government regulations, and contractual obligations of the Department;
 - c) Review and appraise systems and procedures, organizational structure, assets management practices, accounting, and other records, reports, and performance standards of the Department of Proper and Regional Offices;

- 1 d) Analyze and evaluate management deficiencies and assist top management to
2 solve problems by recommending realistic courses of action; and
3 e) Perform such other related duties and responsibilities as may be assigned or
4 delegated by the Secretary or as may be required by law.

5 Sec. 16. *Finance Service*. – The Finance Services is hereby created to provide
6 the Department with coordinated services relating to financial systems and
7 procedures, budget, cash, accounting, and all financial matters not falling under
8 other Services. For such purposes, it shall have the following functions:

- 9 a) Advise the Secretary on all matters relating to the accounting of government
10 expenditures and receipts, budgeting and cash management, project
11 finances, and financial systems and procedures;
- 12 b) Prepare budget proposals and pursue formal budget authorizations,
13 undertake budget execution, and prepare and submit all appropriate reports
14 to the proper offices;
- 15 c) Develop and maintain accounting, financial, and assets management systems,
16 procedures, and practices in the Department Proper and Regional Offices in
17 accordance with the existing government accounting and auditing rules and
18 regulations;
- 19 d) Provide assistance in its area of specialization to any unit of the Department
20 and, when requested, to government corporations, councils, and boards
21 attached to the Department; and
- 22 e) Perform such other related duties and responsibilities as may be assigned or
23 delegated by the Secretary or as may be required by law.

24 Sec. 17. *Administrative Service*. — The Administrative Service is hereby
25 created to provide the Department with services relating to human resources
26 development, personnel records, facilities maintenance, medical and dental, gender
27 and development (GAD), security, property and procurement services. For such
28 purposes, it shall have the following functions:

- 29 a) Advise the Secretary on all matters relating to internal administration and
30 human resources management;

- 1 b) Prepare and implement an integrated personnel plan that shall include
- 2 provisions on merit promotion, performance evaluation, job rotation,
- 3 suggestions and incentive awards systems, and health and welfare services;
- 4 c) Provide services related to human resource training, education, and
- 5 development, including manpower, career planning and forecasting and
- 6 development of indigenous training materials;
- 7 d) Prepare and/or implement Department GAD plans and budgets and GAD
- 8 accomplishment reports;
- 9 e) Develop, establish, and maintain an efficient and cost-effective property
- 10 procurement system and facilities and coordinate or otherwise interface with
- 11 relevant agencies, whether government or private, for the purpose of
- 12 developing or upgrading the system;
- 13 f) Secure and maintain necessary Department facilities, and develop, establish
- 14 and maintain an efficient and effective security system covering, among
- 15 others, personnel, physical installations, equipment, documents, and
- 16 materials, including the conduct of security investigations;
- 17 g) Coordinate with the appropriate government agencies for a more efficient
- 18 conduct of administrative processes;
- 19 h) Develop, establish and maintain an efficient records system;
- 20 i) Provide assistance in its area of specialization to the Department Proper and
- 21 Regional Offices and, when requested, the government agencies and
- 22 corporations attached to the Department; and
- 23 j) Perform such other related duties and responsibilities as may be assigned or
- 24 delegated by the Secretary or as may be required by law.

25 Sec. 18. *Planning and Engineering Services.* — The Planning and Engineering

26 Services is hereby created to provide the Department with the capability to

27 undertake infrastructure development planning, programming and implementation.

28 For this purpose, it shall have the following functions:

- 29 a) Advise the Secretary on all matters relating to infrastructure planning and
- 30 implementation;

- 1 b) Formulate strategies and priorities for infrastructure development consistent
- 2 with national development objectives and initiate or undertake relevant
- 3 surveys for development planning;
- 4 c) Formulate and implement long-range, medium-term and annual development
- 5 plans and programs for infrastructure, including flood control, water resource
- 6 development systems, and other public works projects, including phasing of
- 7 implementation and review and integrate land use plans with such water
- 8 development plans;
- 9 d) Identify and implement priority packages for infrastructure development,
- 10 including flood control, water resource development systems, and other public
- 11 works projects, and undertake or supervise and evaluate the conduct of
- 12 feasibility studies and project preparation and implementation thereof;
- 13 e) Prioritize project implementation and the allocation of funds and other
- 14 resources and package project proposals for funding and implementation;
- 15 f) Evaluate and appraise all regional interregional infrastructure development
- 16 plans and programs as to their feasibility and consistency with approved
- 17 strategies and long and medium-term plans;
- 18 g) Initiate regular Department-wide planning exercises and act as the secretariat
- 19 thereof;
- 20 h) Gather, analyze, and organize needed statistical data and information;
- 21 i) Provide technical assistance related to its functions to the other Services and
- 22 Regional Offices as needed; and
- 23 j) Perform such other related duties and responsibilities as may be assigned or
- 24 delegated by the Secretary or as may be required by law.

25 Sec. 19. *Regulatory and Financial Assistance Services.* — The Regulatory and

26 Financial Assistance Services is hereby created to provide the Department with

27 services on all legal affairs, compliance of attached government corporations, LWDs,

28 RWSAs, cooperatives, and other associations, including private entities under

29 contractual or concession arrangement with them, and other private water service

30 providers on the established standards, rules and regulations relating to: water

31 quality; infrastructure and facilities design and construction; equipment, materials

32 and supplies; operations and maintenance; personnel; organization; accounting;

1 tariffs; and other matters subject to regulation. It shall also provide the Department
2 services on the management of the financial assistance available and granted to
3 LWDs and RWSAs. For this purpose, it shall have the following functions:

- 4 a) Advise the Secretary on all matters relating to legal affairs and regulation of
5 the operation of the attached corporations, LWDs, RWSAs, cooperatives and
6 other associations;
- 7 b) Provide legal assistance to the Department Proper and Regional Offices and,
8 when requested, the attached corporations and boards;
- 9 c) Prepare Department contracts and legal instruments, review of administrative
10 charges against officers and employees of the Department, members of the
11 top management of the attached corporations and boards;
- 12 d) Conduct administrative investigation as well as the review of administrative
13 charges against officers and employees of the Department, members of the
14 top management of the attached corporations and boards;
- 15 e) Exercise functional jurisdiction over the legal staffs of Regional Offices;
- 16 f) Establish standards for: water quality; design and construction of facilities;
17 optimum selection of equipment, materials and supplies; procedures for
18 operations and maintenance of water and sewer equipment and facilities;
19 training of personnel; organization; uniform accounting system; tariffs;
- 20 g) Review all water rates or charges;
- 21 h) Manage the financial assistance available and granted to LWDs, RWSAs and
22 other qualified water utilities;
- 23 i) Maintain a databank for water quantity and quality of all water resources,
24 including ground water and or surface water resources being used by water
25 utilities, power utilities, sewage facilities, sanitation facilities, and irrigation
26 cooperatives and organizations and a databank for relevant information of all
27 these organizations as well.

28 Sec. 20. *Operations.* — The Operations is hereby created to provide the
29 Department through Regional Offices with the capability to plan, design, and
30 implement projects for water resource development systems, irrigation, flood
31 control, and other public works in different regions of the country. For this purpose.
32 it shall have the following functions:

- a) Undertake and evaluate the planning, design, construction, and works supervision functions of the Department for the abovementioned infrastructure within the region;
- b) Undertake the maintenance of the abovementioned infrastructure within the region and supervise the maintenance of such local infrastructure receiving national government financial assistance as the Secretary may determine;
- c) Ensure the implementation of laws, policies, programs, rules and regulations regarding the abovementioned infrastructure as well as public and private physical structures;
- d) Provide technical assistance related to their functions to other agencies within the region;
- e) Coordinate with other departments, agencies, institutions, and organizations within the region, in the planning and implementation of infrastructure projects;
- f) Conduct continuing consultations with the local communities, take appropriate measures to make the services of the Department responsive to the needs of the general public, compile and submit such information to the central office, and recommend such appropriate actions as may be necessary; and
- g) Perform such other related duties and responsibilities as may be assigned or delegated by the Secretary or as may be required by law.

Sec. 21. *Regional Director.* — Each Regional Office shall be headed by a Regional Director who shall be responsible for efficiently and effectively carrying out the duties and responsibilities of the Regional Office. She/he shall also perform such other related duties and responsibilities as may be assigned or delegated by the Secretary or as may be required by law.

The Regional Director shall be assisted by two (2) Assistant Regional Directors who shall exercise supervision respectively over (1) the planning, project design, evaluation, and technical assistance functions of the Regional Office, and (2) the construction, maintenance, and works supervision functions in the region.

CHAPTER III

TRANSITORY PROVISIONS

1 Sec. 22. *Interface with Other Sector Regulators.* — The Department is
2 mandated to coordinate with the different sector regulators as follows:

- 3 a) The Department of Environment and Natural Resources (DENR) shall continue
4 to have the primary authority and responsibility for protecting the
5 environment and for the conservation of water and related natural resources,
6 including protecting water bodies from waste and pollution and shall
7 promulgate rules, regulates, and standards in this regard. The Department
8 shall coordinate with the DENR with respect to the conservation of water
9 resources, protection from sewage and septage waste, and restoration from
10 environment damage.
- 11 b) The Department of Health (DOH) shall have primary authority and
12 responsibility for determining and enforcing drinking water quality and
13 sanitation standards. The Department shall coordinate with the DOH to
14 achieve an integrated approach for sanitation, including toilets, collection,
15 treatment, and evaluation of wastewater.
- 16 c) The Department shall subsume responsibility from the Department of Public
17 Works and Highways (DPWH) for wholly or primarily water related public
18 works projects including flood control, water resources development,
19 sewerage, sanitation, and the harnessing and impounding of water. The
20 Secretaries of each department shall coordinate on the development of
21 evaluation criteria, as necessary, to determine proper allocation of public
22 works projects between the two departments.
- 23 d) The Department shall absorb the responsibility from the Department of
24 Interior and Local Government (DILG) on the management and operation of
25 water supply systems of local government units.

26 Sec. 23. *Transfer of Rights and Obligations.* — The Department shall, by
27 virtue of this Act, be subrogated to all the rights and assume all the obligations of
28 the relevant parts of any government agency or unit whose powers and duties have
29 been transferred to the Department, including the DPWH, National Irrigation
30 Administration (NIA), National Water Resources Board (NWRB), Metropolitan
31 Waterworks and Sewerage System (MWSS), River Basin Control Office, Manila Bay
32 Coordinating Office, Local Water Utilities Administration (LWUA), Metro Manila

1 Development Authority (MMDA), Department of Environment and Natural Resources,
2 the Department of Interior and Local Government (DILG), Laguna Lake Development
3 Authority, Pasig River Rehabilitation Commission, the Water Resources Regional
4 Offices, and all other offices whose powers are transferred by this Act.

5 The transfer of powers and functions in Sec. 18 above, as applicable, and
6 agencies attached thereto, as herein provided for, shall take effect within one
7 hundred eighty (180) days after the effectiveness of this Act. The foregoing transfer of
8 powers and functions shall include all applicable funds, personnel, records, property,
9 and equipment, as may be necessary. All offices shall continue to function under
10 their present mandates until transition is effected as provided for under this Act.

11 All rights and obligations of said government agencies are hereby transferred
12 to and assumed by the Department and shall be acted upon in accordance with the
13 rules and regulations of the Commission on Audit and other pertinent laws, rules,
14 and regulations.

15 Sec. 24. *Separation from Service*. — Employees separated from government
16 service as a result of this Act shall be entitled to the benefits that they may receive
17 under existing laws, rules, and regulations.

18 Sec. 25. *Funding*. — The sum of Two billion pesos (Php2,000,000,000) shall
19 be set aside from any available funds of the National Treasury and is hereby
20 appropriated and authorized to be released for the organization of the Department
21 and its initial operations.

22 Thereafter, funds sufficient to fully carry out the objectives, powers, and
23 functions of the Department shall be appropriated every fiscal year in the General
24 Appropriations Act.

25 The Department shall submit its annual budget, which shall include, among
26 others, detailed information on the compensation and benefits received by their
27 employees to the Office of the President for approval.

28 Sec. 26. *Implementing Rules and Regulations*. — Within one hundred eighty
29 (180) days after its organization as provided under Sec. 4 of this Act, the
30 Department, in consultation with the concerned government agencies, shall
31 promulgate the necessary rules and regulations for the implementation of this Act.
32 The implementing rules and regulations shall only take effect 15 days following its

1 publication in the Official Gazette or at least one (1) newspaper of general
2 circulation.

3 Sec. 27. *Separability Clause.* – If any provisions or part hereof, is held invalid
4 or unconstitutional, the remainder of the law or the provision not otherwise affected
5 shall remain valid and subsisting.

6 Sec. 28. *Repealing Clause.* – Any law, presidential decree or issuance,
7 executive order, letter of instruction, administrative order, rule or regulation contrary
8 to or inconsistent with the provision of this Act is hereby repealed, modified or
9 amended accordingly.

10 Sec. 29. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after
11 its publication in the Official Gazette or at least two (2) newspapers of general
12 circulation.

Approved,