

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City



EIGHTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 2879

Introduced by Rep. **ERICO ARISTOTLE C. AUMENTADO**

EXPLANATORY NOTE

As an archipelagic nation, the Philippines is a blessed with an abundant source of water including rivers, lakes, river basins, and groundwater reservoirs. Groundwater resources are continuously recharged by rain and seepage from rivers and lakes. Theoretically, the freshwater storage capacity and the high rate of precipitation assure the country an adequate supply for its agricultural, industrial and domestic uses. However, seasonal variations are considerable and geographic distribution is biased, coupled by mismanagement on the part of both private public and regulators, often resulting in water shortages in highly populated areas, especially during the dry season.

The country's major water users are the agricultural sector, which accounts for 85.27 percent of the total water supply, the industrial sector which consumes 7.46% and lastly the domestic users which use the remaining 7.27 percent (PEM, 2003; 2004)

According to the '2005 Little Green Data Book' of the World Bank, one out of five Filipinos does not get water from formal sources. Only 77 percent of the rural population and 90 percent of those in urban areas have the access to an improved water source and only 44 percent have direct wells, springs, communal faucets, and/or from small-scale informal providers. Water supplied by all sources in the Philippines is considered unsafe for drinking without further treatment.

On the most critical issues confronting the Philippine water sector is the lack of an appropriate institutional framework to address issues of development and management of water and related resources. At present, the National Water Resources Regulatory Board (NWRB) is responsible for policy formulation, administration and enforcement of the Water Code of the Philippines. But there are over 30 other agencies separately dealing mainly with each of the sectors of water supply, irrigation, hydropower, flood control, pollution, and watershed management. It is this fragmented approach to water management, which causes an overlap of work and conflicts among agencies and results in a fractional water management plan that does not adequately meet the requirements for long term sustainability.

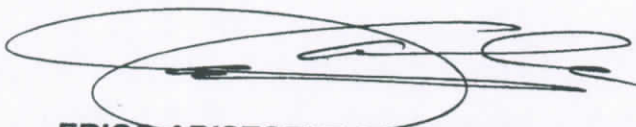
This bill seeks to rationalize the resource management of water, sewage and sanitation through the creation of the Department of Water, Sewage and Sanitation.

The Department shall have the following functions:

- 1) Set the policy for water supply and sewage and septage management;
- 2) Manage the country's water resources to ensure optimal use, including the preservation of land and water;
- 3) Build, maintain and monitor water-related infrastructure to water quality and accessibility; and,
- 4) Contribute to international dialogue and push for domestic adoption of policies to achieve universal access to water and sanitation.

To live in a community that is clean, free from human waste, and abundant with safe and affordable drinking water is an utmost human right. Through this bill, the Philippines is declaring its commitment to achieving the realization of universal access to water and sanitation and sustainable management of water resources as an indispensable basis for social and economic improvement of the country, and providing for the basic health requirements of the people.

For the foregoing reasons, the immediate consideration and passage of this bill is earnestly urged.



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

Be it enacted by the Senate and the House of representative of the Philippines in Congress Assembled

Chapter I
GENERAL PROVISIONS

SECTION 1. Short Title. - This Act shall be known as the "Department of Water, Sewage, and Sanitation Resource Management Act of 2019"

SECTION 2. Declaration of Policy. – it is hereby declared the policy of the State to recognize, protect, realize, and enhance the right of the Filipinos to safe, clean, affordable, accessible drinking water, sanitation and as essential to the full enjoyment of life and all human rights and protection and sustainability of the environment.

This Act shall have the following objectives:

- a) To prioritize and pursue the immediate attainment of universal access to safe, adequate, and sustainable water supply and sanitation services for all Filipinos and adopt all necessary measures directed towards the realization of the human right to water and sanitation; and

- b) To strengthen and coordinate water resource planning and policy making to 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, power generation, and commercial and industrial use.

SECTION 3. DEFINITION OF TERMS.- For the purposes of this Act, the following terms are hereby defined:

- a) Department – refers to the Department of Water, Sewerage and Sanitation Resource Management.
- b) Sanitation - refers to sewerage, sanitation, and septage management
- c) 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 sewerage system for treatment or disposal. For purposes of this Act, the definition of septage shall be included in the sewage.
- 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 thereof, which includes the collection, sanitary piping transport, pumping and treatment of water-borne human or animal waste removed from residences, buildings, institution, and industrial and commercial establishments to point of sewage treatment plant disposal.
- e) Septage – refers to sludge produced on individual on-site waste water disposal system, principally septic tanks and cesspools.

CHAPTER II ORGANIZATION

SECTION 4. The Department of Water, Sewage and Sanitation Resource Management- There is hereby created and established the Department of Water, Sewage, and Sanitation Resource Management, hereafter referred to as the "Department", which shall be organized within after the effectivity of this Act. The Department shall be tasked with developing and implementing a comprehensive water, sewage, and sanitation program for the Philippines including, but not limited to:

- a) Implementing necessary policy and resource reforms with respect to the management of water, sewage and sanitation
- b) Monitoring and evaluating compliance with the national goals relating to water, sewage and sanitation.
- c) Formulating a national update roadmap to address the water, sewage and sanitation; and
- d) Improving conservation of water and increasing system efficiencies.

SECTION 5. Powers and Duties of the Department – The Department shall have the following powers and duties, among others:

- a) Develop policies to promote universal access to safe, adequate, affordable, and sustainable water supply, sewage, and sanitation services for all Filipinos;
- b) Coordinate with relevant government agencies or entities to provide policy directions, strategies, and targets to meet the goals and objectives for water supply, sewage, and sanitation. Such policies shall, among other things, integrate the issues of water, sewer, energy, environment, and food security;
- c) Manage and protect the country's water resources to ensure the optimal use thereof for domestic water supply, sewage, sanitation, hydropower, navigation, flood control, and recreation, including the enhancement and maintenance of water quality, conservation of watersheds, control of water pollution, and environmental restoration, without compromising the natural ecosystem functions and services;
- d) Manage the ownership, appropriation, utilization, exploitation, development, conservation, and protection of water resources and rights to land related thereto and their competing demands;
- e) Undertake and coordinate with other agencies and government entities in data gathering, scientific research, and studies on water resources management and development, and conduct nationwide hydrologic surveys to determine the annual renewable water available per water region;
- f) Formulate and enforce rules and regulations in the administration and management of the country's water resources and implement rules and guidelines for the enforcement of water-related laws;
- g) Conduct continuing surveys and studies of the country's renewable water supply with a view towards formulation long-term policies to balance the sustainability and optimal use of water resources, defining the hydrologic boundaries and basins of the existing water supply sources, and creating and implementing countrywide master plans for water resources management and development;
- h) Coordinate with the assist other government agencies in all aspects of data gathering, conduct studies and research, and classify and establish water quality standards for surface and ground water, including national standards for drinking water and wastewater effluence in coordination with relevant agencies.
- i) Coordinate with other relevant agencies to engage in flood control and flood risk management, formulate integrated water resources management (IWRM) policies and plans, and coordinate the implementation, promotion, revision, and enhancement of IWRM plans;
- j) Compel inter- sectoral, inter-agency, and inter-departmental coordination on water, energy, environmental, sewage, and sanitation resources development planning with the aim of operationalizing the integrated approach water resources management;
- k) Regulate and control the utilization, exploitation, abstraction, diversion, and development of water resources, taking into its equitable distribution and determine

- the standards of beneficial and priority uses of water in times of crisis and national emergencies;
- l) 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;
 - m) Coordinate with other relevant government agencies and development policies and plans in respect of water resources for farming, including sustainable mechanisms.
 - n) 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.
 - o) Review from time to time the regulations prescribed by any government agency pertaining to water use, exploitation, development, conservation, or protection of waters, water resources, and watershed or basin areas.
 - p) 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 investigation, including assessing and evaluating the conditions of water facilities installed and determining compliance with water laws and standards;
 - q) Require Local Government Units (LGUs) and national agencies to submit zoning and land use management plans to ensure the integration of water resource management plans; Provided, That no zoning and land use plan shall become effective and enforceable unless and until a certification of integration of water, sewage, and sanitation resource management plan has been issued by the Department. Should the Department have serious concerns must first be resolved by the Department and the concerned LGU and/or national agency. However in the absence of such concerns, the concerned LGU and/or government agency may. Ninety (90) days from the submission of its zoning and land use plan and after submitting to the Department a written notice of compliance with this provision, proceed with the implementation of its zoning and land use plan without prejudice to later integration of the water resource management plan for the locality.
 - r) Provide technical assistance to water, sewer and sanitation users, whether directly or in coordination with other agencies, to assist them in applying for water
 - s)
 - t) and providing data on water, sewage and sanitation resource usage.
 - u) Maintain or cause to be maintained all flood control, water resource development systems, and other public works throughout the country except those that are the responsibility of other agencies as directed by the President of the Philippines or as provided by law.

SECTION 6. Secretary of the Department of Water, Sewage and Sanitation – The authority and responsibility for the exercise of the mandate of the Department and for the discharge

of its powers and functions shall be vested in the Secretary, who shall have the supervision and control over the Department and shall be appointed by the President. For such purposes, the Secretary shall:

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

SECTION 7. Office of the Secretary – The Office of the Secretary shall be composed of the Secretary and his immediate staff.

SECTION 8. Undersecretaries – The Secretary shall be assisted by not more than five (5) Undersecretaries, who shall be appointed by the President upon the recommendation of the Secretary, as follows;

- 1) One for the Finance Service
- 2) One for the Administrative Service
- 3) One for the Planning and Engineering Services
- 4) One for the Regulatory and Financial Assistance Services, and
- 5) One for operations

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

- a) Advise and assist the Secretary in the formulation of 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 for 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.

SECTION 9. 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.

SECTION 10. 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.

SECTION 11. 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 on 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 regulations 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;
- d) Analyze and evaluate management deficiencies and assist top management to solve problems by recommending realistic courses of action ; and
- e) Perform such other related duties and responsibilities as may be assigned or delegated by the Secretary or as may be required by law.

SECTION 12. Finance Service – The Finance Services is hereby created to provide Department with coordinated services relating to financial systems and procedures, budget, cash, accounting, and all financial matters not falling under other Services. For such purposes, it shall have the following functions:

- a) Advise the Secretary on all matters relating to the accounting of government expenditures and receipts, budgeting and cash management , project finances, and financial systems and procedures;
- b) Prepare budget proposals and pursue formal budget authorizations, undertake budget execution, and prepare and submit all appropriate reports to proper offices;

- c) Develop and maintain accounting, financial, and assets management systems, procedures, and practices in the Department Proper and Regional Offices in accordance with the existing government accounting and auditing rules and regulations;
- d) Provide assistance in its area of specialization to any unit of the Department and, when requested, to government corporations, councils, and boards attached to the Department; and
- e) Perform such other related duties and responsibilities as may be assigned or delegated by the Secretary or as may be required by law.

SECTION 13. Administrative Service – The Administrative Service is hereby created to provide the Department with services relating to human resources development, personnel records, facilities maintenance, medical and dental, gender and development (GAD), security, property and procurement services. For such purposes it shall have the following functions:

- a) Advise the Secretary on all matters relating to internal administration and human resources management;
- b) Prepare and implement an integrated development plan that shall include provisions on merit promotion, performance evaluation, job rotation, suggestion and incentives awards systems, and health and welfare services;
- c) Provide services related to human resource training, education, and development, including manpower, career planning and forecasting and development of indigenous training material;
- d) Prepare and/or implement Department GAD plans and budgets and GAD accomplishments reports;
- e) Develop, establish, and maintain an efficient and cost-effective property procurement system and facilities and coordinate and otherwise interface with relevant agencies, whether government or private, for the purpose of developing or upgrading the system;
- f) Secure and maintain necessary Department facilities, and develop, establish, and maintain an effective efficient security system covering, among others, personnel, physical installations, equipment, documents, and materials, including the conduct of security investigations;
- g) Coordinate with the appropriate government agencies for a more efficient conduct of administrative processes;
- h) Develop, establish and Maintain an efficient records system;
- i) Provide assistance in its areas of specialization to the Department Proper and Regional Offices and, when requested, the government agencies and corporations attached to the Department; and
- j) Perform such other related duties and responsibilities as may be assigned or delegated by the Secretary or as may be required by law;

SECTION 14. Planning and Engineering Services –The Planning and Engineering Services is hereby created to provide the Department with the capability to undertake infrastructure development planning, programing and implementation. For this purpose, it shall have the following functions:

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

SECTION 15. Regulatory and Financial Assistance Services – The Regulatory and Financial Assistance Services is hereby created to provide the Department with services on all legal affairs, compliance of attached government corporations, LWDs, RWASAs, cooperatives, and other associations, including private entities under contractual or concession arrangement with them, and other private water service providers on the established standards, rules and regulations relating to: water quality; infrastructure and facilities design and construction; equipment, materials and supplies; operations and maintenance; personnel; organization; accounting; tariffs; and other matters subject to regulation. It shall also provide the Department services on the management

on the financial assistance available and granted to LWDs and RWSAs. For this purpose, it shall have the following functions:

- a) Advise the Secretary on all matters relating to legal affairs and regulation to the operation of the attached corporations; LWDs, RWSAs, cooperatives and other associations;
- b) Provide legal assistance to the Department Proper and Regional Offices and, when requested, the attached corporations and boards;
- c) Prepare department contracts and legal instruments, review of administrative charges against officers and employees of the Department, members of the top management of the attached corporations and boards;
- d) Conduct administrative investigation as well as the review of administrative charges against officers and employees of the Department, members of the top management of the attached corporations and boards;
- e) Exercise functional jurisdiction over the legal staffs of Regional Offices;
- f) Establish standards for: water quality; design and construction of facilities; optimum selection of equipment, materials and supplies; procedures for operations and maintenance of water and sewer equipment facilities; training of personnel; organization; uniform accounting system; tariffs;
- g) Review all water rates or charges;
- h) Manage the financial assistance available and granted to LWDs, RWAs and other qualified water utilities.

SECTION 16. Operations – The operation is hereby created to provide the Department through Regional Offices with the capability to plan, design, and implement project for water resource development systems, irrigation flood control, and other public works in different regions of the country. For this purpose, it shall this 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 structure;
- 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 the law.

SECTION 17. 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) Assistance 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 work supervision functions in the region.

CHAPTER III TRANSITORY PROVISION

SECTION 18. Interface with Other Sectors Regulators – The Department is mandated to coordinate with the different sector regulators as follows:

- a) The Department of Environment and Natural Resources (DENR) shall continue to have the primary authority and responsibility for protecting the environment and for the conservation of water and related natural resources, including water bodies from waste and pollution and shall promulgate rules, regulates, and standards in this regard. The Department shall coordinate with the DENR with respect to the conservation of water resources, protection from sewage and septic waste, and restoration from environment damage.
- b) The Department of Health (DOH) shall have primary authority and responsibility for determining and enforcing drinking water quality and sanitation standards. The Department shall coordinate with the DOH to achieve an integrated approach for sanitation, including toilets, collections, treatment, and evaluation of wastewater.
- c) The Department shall subsume responsibility from the Department of Public Works and Highways (DPWH) for wholly and primary water-related public works projects including flood control, water resources development, sewerage, sanitation, and the harnessing and impounding of water. The Secretaries of each department shall coordinate on the development of the

evaluation criteria, as necessary, to determine proper allocation of public works projects between the two departments.

- d) The Department shall absorb the responsibility from the Department of Interior and Local Government (DILG) on the management and operation of water supply systems of local government units.

SECTION 19. Transfers of Rights and Obligations – the Department, shall by virtue of this Act, be subrogated to all the rights, and assume all the obligations of the relevant parts of any government agency or unit whose powers and duties have been transferred to the Department, including the DPWH, National Irrigation Administration (NIA), National WATER Resources Board (NWRB), Metropolitan Waterworks and Sewerage System (MWSS), Local Water Utilities Administration (LWUA), Metro Manila Development Authority (MMDA), and the Department of Interior and Local Government (DILG).

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

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

SECTION 20. Separation from Service – Employees separated from government service as the result of this Act shall be entitled to the benefits that they may receive under existing laws, rules, and regulations.

SECTION 21. Funding – The sum of _____ Billion Pesos shall be set aside from any available funds of the National Treasury, and is hereby appropriated and authorized to be released, for the organization of the Department of its initial operations.

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

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

SECTION 22. Separability Clause. – In any provisions or part hereof, is invalid or unconstitutional, the remainder for the law or the provision not otherwise affected shall remain valid and subsisting.

SECTION 23. Repealing Clause. – Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule or regulation contrary to or inconsistent with the provision of this Act is hereby repealed, modified or amended accordingly.

SECTION 24. Effectivity Clause – This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation with its Implementing Rules and Regulations promulgated by the MPPPC within sixty (60) days from the formal organization of the Council.

Approved