



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

EIGHTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 1358



Introduced by
REPRESENTATIVE BERNADETTE HERRERA-DY

EXPLANATORY NOTE

The Philippines is a water rich country, yet despite an overflowing capital, many Filipinos experience deprivation from affordable, safe drinking water and a working sanitation system. This perennial problem has seriously affected the lives of our citizens in terms of health, sanitation, food security, and livelihood, in addition to negatively impacting the environment.

As noted at the 6th World Water Forum,¹ the lack of sufficient, safe, acceptable, accessible, affordable drinking water and sanitation is not a problem unique to the Philippines, but it is incumbent on each country to push for strong standards within its government and to contribute to global governance on the issues of water and sanitation.

The Philippines is lacking a strong liquid in-liquid out system, meaning that even if households are serviced with clean drinking water, a minute number receive adequate sanitation and sewerage services, leading to severe cases of leptospirosis, dengue, typhoid, and related tropical and water-borne illnesses. This year alone there has been a 16% increase in cases of dengue fever over the same period last year. Moreover, 31% of illnesses in the country are water-related.

The Water Resources Management Act of 2012 seeks to rationalize the resource management of water, sewage, and sanitation through the creation of the Department of Water, Sewage, and Sanitation ("Department"). Among its functions, the Department shall (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/or monitor water-related infrastructure to ensure quality and accessibility; and (4) contribute to international dialogue around, and push for domestic adoption of, policies to achieve universal access to water and sanitation.

¹ Held at Marseille, France. See <http://www.worldwaterforum6.org/en/>

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, so much so that 189 states recognized the Right to Water and Sanitation at the United Nations in 2011, according to the World Water Forum.² In step with the international movement, through this bill the Philippines is declaring a primary political priority the universal access to water and sanitation and sustainable management of water resources, forming an indispensable basis for social and economic improvement and basic health and prosperity. The Philippines is also committing to meeting and exceeding the Millennium Development Goals for water and sanitation. To ensure Filipinos the benefit of this most fundamental human right, the urgent approval of this bill is earnestly sought.



BERNADETTE HERRERA-DY

² See About page, 6th World Water Forum, <http://www.worldwaterforum6.org/en/the-forum/about/>



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**AN ACT RATIONALIZING THE RESOURCE MANAGEMENT OF THE WATER
SECTOR, CREATING THE DEPARTMENT OF WATER, SEWAGE, AND
SANITATION, AND FOR OTHER PURPOSES**

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

CHAPTER 1 - GENERAL PROVISIONS

SEC. 1. Short Title. – This Act shall be known as the **“Water Resources
Management Act of 2012”**.

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

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

- a) To prioritize and seek the immediate attainment of universal access to
safe, adequate, affordable, and sustainable water supply and sanitation
services for all Filipinos, in particular the ignored populations such as
homeless and transient persons, and adopt all necessary measures
directed towards the realization of the human right to water and sanitation;
- b) To encourage State participation in and information sharing and education
around best practices in the international movement to achieve universal
access to water and sanitation and the integration of water, energy,
environment, and food security;
- c) 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

1 limited to domestic and municipal use, irrigation, power generation,
2 farming, fisheries, commercial, and industrial use;
3

4 d) To coordinate and strengthen policy and planning in relation to flood control
5 and flood risk management in order to plan against, prevent, and reduce
6 the detrimental and catastrophic effects of flood waters; and
7

8 e) To secure for all public works the highest efficiency and the most
9 appropriate quality in construction and to plan, design, construct, and
10 maintain infrastructure facilities in accordance with national development
11 objectives.
12

13 **SEC. 3. Definition of Terms.** – As used under this Act, the following words
14 or terms shall have the following meanings:
15

16 a) "Department" shall mean the Department of Water, Sewage, and Sanitation.

17 b) "Flood Control" refers to methods, acts and protocols to be observed in order
18 to prevent and reduce the detrimental and catastrophic effects of flood
19 waters:
20

21 c) "Flood Risk Management" refers to such acts of defining and determining the
22 appropriate methods, acts and protocols aimed at preventing and reducing
23 the risk of incurring loss of both life and property due to flood waters. It also
24 includes, but is not limited to, the implementation of precautionary measures,
25 as well as the installation of infrastructures and the determination of post-
26 flood clean-up activities in order to arrest the residual effects of flood waters;
27

28 d) "Sanitation" as used under this Act refers only to sewage, sanitation, and
29 septage management.
30

31 e) "Sewerage" shall refer to any system or network of sanitary pipelines,
32 ditches, channels, or conduits including pumping stations, lift stations, and
33 force mains, service connections including other constructions, devices, or
34 appliances appurtenant thereof, which includes the collection, sanitary piping
35 transport, pumping, and treatment of water-borne human or animal waste
36 removed from residences, buildings, institutions, and industrial and
37 commercial establishments to point of sewage treatment plant disposal.
38

39 f) "Sewage" shall refer to water-carried waste in solution or suspension,
40 including sanitary waste (waste products of normal living), commercial waste,
41 industrial waste, agricultural waste, and surface runoff, conveyed by a
42 sewerage system for treatment or disposal. For purposes of this Act, the
43 definition of septage shall be included in the use of sewage.
44

45 g) "Septage" shall refer to sludge produced on individual onsite wastewater
46 disposal systems, principally septic tanks and cesspools.
47

1 h) "WRC" shall mean the Water Regulatory Commission³ or to any present or
2 future water regulatory body with quasi-judicial powers and tasked to provide
3 economic and administrative regulation of water utilities.
4

5 The terms "infrastructure" and "public works" as used in this Act should be read to
6 apply only to wholly or primarily water-related projects and shall not be read to
7 incorporate projects which would not otherwise fall within the purview of the
8 objectives, power, and duties of the Department.
9

10 **CHAPTER 2 - ORGANIZATION**

11 **SEC. 4. *The Department of Water, Sewage, and Sanitation.*** – There is
12 hereby created and established the Department of Water, Sewage, and Sanitation,
13 hereinafter referred to as the "Department", which shall be organized within one
14 hundred twenty (120) days after the effectivity of this Act. The Department shall be
15 tasked with developing and implementing a comprehensive water, sewage, and
16 sanitation program for the Philippines including, but not limited to: (a)
17 implementing necessary policy and resource reforms with respect to the
18 management of water, sewage, and sanitation; (b) monitoring and evaluating
19 compliance with the Social Contract of the President and the Millennium
20 Development Goals as they relate to water, sewage, and sanitation; (c)
21 formulating a national updated road map to address the water, sewage, and
22 sanitation requirements of the State; and (d) improving conservation of water and
23 increasing system efficiencies.

24 **SEC. 5. *Powers and Duties of the Department.*** – The Department shall
25 have the following powers and duties, among others:
26

- 27 a) Develop policies to promote universal access to safe, adequate, affordable,
28 and sustainable water supply, sewage, and sanitation services for all
29 Filipinos;
30
- 31 b) Coordinate with the WRC and other relevant entities to provide policy
32 directions, strategies, and targets to meet the goals and objectives for water
33 supply, sewage, and sanitation. Such policies shall, among other things,
34 integrate the issues of water, sewer, energy, environment, and food security;
35
- 36 c) Manage and protect the country's water resources to ensure the optimal use
37 thereof for domestic water supply, sewage, sanitation, irrigation,
38 hydropower, navigation, flood control, and recreation, including the
39 enhancement and maintenance of water quality, conservation of
40 watersheds, control of water pollution, and environmental restoration,
41 without compromising the natural ecosystem functions and services;
42
- 43 d) Manage the ownership, appropriation, utilization, exploitation, development,
44 conservation, and protection of water resources and rights to land related
45 thereto and their competing demands;
46
- 47 e) Undertake and coordinate with other agencies and government entities in
48 data gathering, scientific research, and studies on water resources
49 management and development, and conduct nationwide hydrologic surveys

³ Pending under HB 4137, "The Water Regulatory Act of 201_", co-authored by Rep. Bernadette Herrera-Dy and Rep. Sonny Angara and certified as a priority measure by President Benigno S. Aquino III.

- 1 to determine the annual renewable water available per water region;
2
- 3 f) Formulate and enforce rules and regulation in the administration and
4 management of the country's water resources and implement rules and
5 guidelines for the enforcement of water-related laws;
6
- 7 g) Conduct continuing surveys and studies of the country's renewable water
8 supply with a view towards formulating long-term policies to balance the
9 sustainability and optimal use of water resources, defining the hydrologic
10 boundaries of basins of the existing water supply sources, and creating and
11 implementing countrywide masterplans for water resources management
12 and development;
13
- 14 h) Coordinate with and assist other government agencies in all aspects of data
15 gathering, conduct studies and research, and classify and establish water
16 quality standards for surface and ground water, including national standards
17 for drinking water and wastewater effluence in coordination with relevant
18 agencies;
19
- 20 i) Coordinate with other relevant agencies to engage in flood control and flood
21 risk management, formulate integrated water resources management
22 (IWRM) policies and plans, and coordinate the implementation, promotion,
23 revision, and enhancement of IWRM plans;
24
- 25 j) Effect and compel inter-sectoral, inter-agency, and inter-departmental
26 coordination on water, sewage, and sanitation resources development
27 planning with the aim of operationalizing the integrated approach to water
28 resources management;
29
- 30 k) Regulate and control the utilization, exploitation, abstraction, diversion, and
31 development of water resources, taking into consideration its equitable
32 distribution, and determine the standards of beneficial and priority uses of
33 water in times of crisis and national emergencies;
34
- 35 l) Assist and provide the National Economic Development Authority (NEDA)
36 with required data and inputs from and for the water sector in the formulation
37 of the country's short-term and long-term strategic development plans and
38 actions;
39
- 40 m) Coordinate with other relevant agencies and develop policies and plans in
41 respect of water resources used for farming, including sustainable
42 mechanisms for irrigation;
43
- 44 n) Pass upon, approve, or disapprove all plans, programs, or development
45 projects of private individuals, corporations, and government agencies,
46 whether national or local, that affect water resources, its diversion or
47 abstraction, and the construction of hydraulic facilities, including but not
48 limited to plans and projects in watershed or basin areas of water supply
49 sources, which have direct or indirect impact on the affected locality's water
50 resources;
51
52

- o) 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;
- 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 investigations, 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 affecting conservation and sustainability of water supply, such 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, within 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 including, but not limited to, farmers and LGUs, whether directly or in coordination with other agencies, to assist them in applying for water permits and providing data on water, sewage, and sanitation resource usage;
- s) Plan, design, construct, and maintain infrastructure facilities, flood control, and water resource development systems and provide technical services for the planning, design, construction, maintenance, and/or operation of the same;
- t) In coordination with other relevant agencies, develop and implement effective codes, standards, and reasonable guidelines to ensure the safety of all public and private structures in the country and assure efficiency and proper quality in the construction of water, sewage, and sanitation infrastructure;
- u) Coordinate with relevant agencies, including the Department of Environment and Natural Resources and the WRC, to ensure that the agencies' respective standards complement each other when taken as part of a larger whole;
- v) In coordination with other relevant agencies, ascertain that all plans and project implementation designs are consistent with current standards and guidelines;

- 1 w) Provide the works supervision function for all public works construction and
2 ensure that actual construction is done in accordance with approved
3 government plans and specifications;
4
- 5 x) Assist other agencies, including LGUs, in determining the most suitable
6 entity to undertake the actual construction of water, sewage, and sanitation
7 projects;
8
- 9 y) Maintain or cause to be maintained all flood control, water resource
10 development systems, and other public works throughout the country except
11 those that are the responsibility of other agencies as directed by the
12 President of the Philippines or as provided by law;
13
- 14 z) Provide integrated planning for flood control, flood risk management, and
15 water resource development and management systems, and other public
16 works;
17
- 18 aa) Issue and promulgate rules, regulations, and guidelines as may be
19 necessary to implement and enforce its powers and functions under this
20 Act;
21
- 22 bb) Determine and require the monitoring and submission of such data,
23 statistics, and other information as may be necessary for the effective and
24 efficient exercise of its duties, functions, powers, and responsibilities;
25
- 26 cc) Respond to consumer complaints and ensure the adequate promotion of
27 consumer interests;
28
- 29 dd) Deputize agents, whether from the public or private sector, to assist in the
30 performance of any of the powers and functions of the Department;
31
- 32 ee) Appoint, hire, and maintain adequate staff and personnel, advisers, and/or
33 consultants, with suitable qualifications and experience, as necessary;
34
- 35 ff) Exercise such other powers and functions necessary or incidental to the
36 effective administration and management of the country's water, sewer, and
37 sanitation resources;
38
- 39 gg) Exercise such other incidental powers and functions as may be necessary
40 to attain the objectives of this Act; and
41
- 42 hh) Carry out such other functions as the President may from time to time assign
43 to the Department consistent with the aims and provisions of this Act.
44

45 **SEC. 6. Secretary of the Department of Water, Sewage, and Sanitation. —**
46 The authority and responsibility for the exercise of the mandate of the Department
47 and for the discharge of its powers and functions shall be vested in the Secretary
48 of the Department of Water, Sewage, and Sanitation, hereinafter referred to as
49 the Secretary, who shall have supervision and control over the Department and
50 shall be appointed by the President. For such purposes, the Secretary shall:
51

- a) Advise the President on the promulgation of executive or administrative orders, regulations, 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 all Bureaus and Offices 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 defined herein or as delegated by the President, to officers and employees under his direction; and
- g) Perform such other duties and responsibilities as may be provided by law.

No person shall be appointed Secretary unless he possesses extensive knowledge of public administration and has a minimum of ten (10) years experience in the administration of water, sewage, or sanitation programs, preferably in a public agency.

SEC. 7. Office of the Secretary. — The Office of the Secretary shall be composed of the Secretary and his immediate staff.

SEC. 8. Undersecretaries. — The Secretary shall be assisted by not more than five (5) Undersecretaries, including the Undersecretary for Global and Holistic Planning noted below, who shall be appointed by the President upon the recommendation of the Secretary. The Secretary is hereby authorized to delineate and assign the respective functional areas of responsibility of the Undersecretaries; provided, that such responsibility shall be with respect to the mandate and objectives of the Department; and provided, further, that no Undersecretary shall be assigned primarily administrative responsibilities. Within his functional area of responsibility, an Undersecretary shall have the following functions:

- a) Advise and assist the Secretary in the formulation and implementation of Department policies, plans, programs, and projects;
- b) Supervise all the operational activities of the units assigned to him, for which 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.

The Undersecretary for Global and Holistic Planning shall have primary responsibility, with the support of and in coordination with the Planning Service, for participating in international dialogue to learn from and contribute to, and for

1 advancing domestic efforts in the pursuit of, the ultimate goal of universal access
2 to water supply, sewerage, and sanitation systems and sustainable management
3 of water resources. He shall also have primary responsibility for knowledge
4 sharing and advancement of efforts around the integration of water, energy,
5 environment, and food security.

6
7 No person shall be appointed Undersecretary unless he possesses a working
8 knowledge of public administration and has a minimum of seven (7) years
9 experience in the administration of water, sewage, or sanitation programs,
10 preferably in a public agency or with legal or financial knowledge of such
11 programs.

12
13 **SEC. 9. Assistant Secretaries.** — The Secretary shall also be assisted by six
14 (6) Assistant Secretaries appointed by the President of the Philippines upon the
15 recommendation of the Secretary: one to be responsible for the Internal Audit
16 Services; one for the Monitoring and Information Service; one for the Planning
17 Service; one for the Comptrollership and Financial Management Service; one for
18 the Legal Service; and one for the Administrative and Manpower Management
19 Service.

20
21 No person shall be appointed Assistant Secretary unless he possesses a working
22 knowledge of public administration and has a minimum of five (5) years
23 experience in the administration of water, sewage, or sanitation programs, or
24 other public works programs.

25
26 **SEC. 10. Organizational Structure.** — The Department shall be composed of
27 the following organizational units:

- 28
29 a) Department Proper consisting of the Office of the Secretary, the Offices of
30 the Undersecretaries and Assistant Secretaries, the Internal Audit Service,
31 Monitoring and Information Service, Planning Service, Comptrollership and
32 Financial Management Service, Legal Service, and the Administrative
33 Service;
34
35 b) Bureau of Research and Standards, Bureau of Design, Bureau of
36 Construction, Bureau of Maintenance, and Bureau of Equipment; and
37
38 c) Regional Offices, as deemed appropriate and necessary by the Secretary.
39

40 **SEC. 11. Internal Audit Service.** — The Internal Audit Service is hereby created
41 for the purpose of conducting comprehensive audit of various Department activities.
42 Specifically, it shall have the following functions:

- 43
44 a) Advise the Secretary on all matters relating to management control and
45 operations audit;
46
47 b) Conduct management and operations performance audit of Department
48 activities and units and determine as to the degree of compliance with
49 established objectives, policies, methods and procedures, government
50 regulations, and contractual obligations of the Department;
51

- c) Review and appraise systems and procedures, organizational structure, assets management practices, accounting, and other records, reports, and performance standards (such as budgets and standard costs) of the Department Proper, Bureaus, 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.

SEC. 12. *Monitoring and Information Service.* — The Monitoring and Information Service is hereby created to provide the Secretary timely reports on the status of various Department projects and activities and develop and implement information programs for mass dissemination in coordination with the appropriate government agencies. The Monitoring and Information Service shall have the following functions:

- a) Advise the Secretary on all matters relating to monitoring and public information;
- b) Develop and maintain a system for retrieving and processing monitoring information on all projects and activities of concern to the Secretary;
- c) Provide accurate and timely status and exception reports to the Secretary;
- d) Generate monitoring reports for the President, the Cabinet, or for any other purpose as required by the Secretary;
- e) Develop and supervise the implementation of communications programs to have relevant policies, programs, and plans of the Department understood by the public;
- f) Produce and supervise the dissemination of media materials in line with national government public information programs;
- g) Coordinate with the appropriate national government agencies tasked with public information affairs; and
- h) Perform such other related duties and responsibilities as may be assigned or delegated by the Secretary or as may be required by law.

SEC. 13. *Planning Service.* — The Planning Service is hereby created to provide the Department with the capability to undertake infrastructure development planning and programming. For this purpose, it shall have the following functions:

- a) Advise the Secretary on all matters relating to infrastructure planning;
- b) Assist the Undersecretary for Global and Holistic Planning on all matters related to the specific functions of his position detailed in Section 8;

- c) Formulate strategies and priorities for infrastructure development consistent with national development objectives and initiate or undertake relevant surveys for development planning;
- d) Formulate 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 implementation and review and integrate land use plans with these water development plans;
- e) Identify 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 thereof;
- f) Prioritize project implementation and the allocation of funds and other resources and package project proposals for funding and implementation;
- g) 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;
- h) Initiate regular Department-wide planning exercises and act as the secretariat thereof;
- i) Gather, analyze, and organize needed statistical data and information;
- j) Provide technical assistance related to its functions to the other Services, Bureaus, and the Regional Offices as needed; and
- k) Perform such other related duties and responsibilities as may be assigned or delegated by the Secretary or as may be required by law.

SEC. 14. Comptrollership and Financial Management Service. — The Comptrollership and Financial Management Service is hereby created to provide the Department with coordinated services relating to financial systems and procedures, budget, cash, accounting, and all financial housekeeping matters. 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 the proper offices;
- c) Develop and maintain accounting, financial, and assets management systems, procedures, and practices in the Department Proper, Bureaus, and Regional Offices;

- d) Provide assistance in its area of specialization to any unit of the Department and, when requested, to government corporations and councils 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.

SEC. 15. Legal Service. — The Legal Service is hereby created to provide the Department with services on such legal affairs as contract letting and litigation, legal and legislative research, complaints and investigation, legal counseling, and other matters of law. For such purposes, it shall have the following functions:

- a) Advise the Secretary on all matters relating to legal affairs;
- b) Prepare Department contracts and legal instruments, review and interpret all contracts and agreements entered into by the Department, and evaluate all legal proposals;
- c) Conduct administrative investigation as well as the review of administrative charges against officers and employees of the Department;
- d) Exercise functional jurisdiction over the legal staffs of Regional Offices;
- e) Provide legal assistance to the Department Proper, the Bureaus, and Regional Offices and, when requested, the attached corporations; and
- f) Perform such other related duties and responsibilities as may be assigned or delegated by the Secretary or as may be required by law.

SEC. 16. 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, security, and 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 personnel plan that shall include provisions on merit promotions, performance evaluation, job rotation, suggestions and incentive awards systems, and health and welfare services;
- c) Provide services related to human resources training, education, and development, including manpower, career planning and forecasting, and development of indigenous training materials;
- d) Develop, establish, and maintain an efficient and cost-effective property procurement system and facilities and coordinate or otherwise interface with relevant agencies, whether government or private, for the purpose of developing or upgrading the system;

- e) Secure and maintain necessary Department facilities, and develop, establish, and maintain an efficient and effective security system covering, among others, personnel, physical installations, equipment, documents, and materials, including the conduct of security investigations;
- f) Coordinate with the appropriate government agencies for a more efficient conduct of administrative processes;
- g) Develop, establish, and maintain an efficient records system;
- h) Provide assistance in its area of specialization to the Department Proper, Bureaus, and Regional Offices and, when requested, the government agencies and corporations attached to the Department; and
- i) Perform such other related duties and responsibilities as may be assigned or delegated by the Secretary or as may be required by law.

SEC. 17. Bureau Head. — Each Bureau shall be headed by a Bureau Director who shall be responsible for efficiently and effectively carrying out the functions of the Bureau concerned.

SEC. 18. Bureau of Research and Standards. — The Bureau of Research and Standards is hereby created to develop and set effective standards and reasonable guidelines to ensure the safety of all infrastructure facilities in the country and to assure efficiency and proper quality in the construction of government public works. In pursuit of this task, the Bureau shall engage in research and development on all major areas pertinent to infrastructure development. For such purposes, it shall have the following functions:

- a) Study, on a continuing basis, and formulate and recommend guidelines, standards, criteria, and systems for the survey and design, construction, rehabilitation, maintenance, and improvement of all public works;
- b) Conduct or sponsor research on construction materials and formulate and recommend policies, standards, and guidelines on materials and quality control;
- c) Undertake or cause to be undertaken specialized technical studies to advance the in-house technology of the Department and secure the most complete information for project development and implementation purposes;
- d) Oversee the development and continuous updating of water resource management, computerized decision support systems that incorporates data management system (acquisition and database), model base (physical, design, planning and decision models), and user-friendly interface (graphical and visualization tools);
- e) Handle infrastructure and program development including planning, assessment, and value-engineering studies of water infrastructure (structural) projects and program (non-structural) developments as well as the strategic development of water facilities and operations which shall cover special studies and development of operating strategies, procedures, and

1 protocols and accompanying computerized decision tools for normal and
2 emergency operations of major water facilities;

- 3
- 4 f) Formulate technical training programs for Department technical personnel,
5 including the identification of appropriate local and foreign training programs,
6 and recommend the selection of Department personnel for such programs;
7
- 8 g) Review and study for the purpose of recognizing new technologies,
9 especially those utilizing indigenous resources, current national
10 infrastructure development standards and procedures, and make
11 appropriate recommendations thereon;
12
- 13 h) Promote, publish, and disseminate technical publications;
14
- 15 i) Provide technical assistance to the Department Proper, other Bureaus,
16 Regional Offices, and other agencies on matters within its competence;
17
- 18 j) Cooperate or coordinate with other established research, development, and
19 engineering centers in areas of common or national interest; and
20
- 21 k) Perform such other related duties and responsibilities as may be assigned
22 or delegated by the Secretary or as may be required by law.
23

24 **SEC. 19. *Bureau of Design.*** — The Bureau of Design is hereby created to
25 ascertain that all government infrastructure project implementation plans and
26 designs are consistent with current standards and guidelines. For this purpose, it
27 shall have the following duties and responsibilities:
28

- 29 a) Conduct or initiate, supervise, and/or review the results of field surveys for
30 flood control, water resource development systems, and other public works
31 projects, including aerial, hydrologic, hydrographic, topographic,
32 geotechnical, and other investigations;
33
- 34 b) Conduct or initiate, supervise, and/or review the preparation of schemes,
35 designs, specifications, and estimates and tender and contract documents
36 covering the architectural, structural, mechanical, electrical, and other
37 technical design aspects of flood control, water resource development
38 systems, and other projects of the Department or of other departments upon
39 request or agreement and in accordance with current standards and
40 guidelines;
41
- 42 c) Provide technical assistance in the selection of firms or entities that shall
43 undertake actual construction of public works projects via participation in the
44 technical evaluation aspect of the bidding/award process; and
45
- 46 d) Perform such other related duties and responsibilities as may be assigned
47 or delegated by the Secretary or as may be required by law.
48

49 **SEC. 20. *Bureau of Construction.*** — The Bureau of Construction is hereby
50 created to provide technical services on construction works for infrastructure
51 projects and facilities. For this purpose, it shall have the following duties and
52 responsibilities:

- a) Formulate policies relating to construction management and contract administration;
- b) Review and evaluate construction programs and estimates and tender and contract documents;
- c) Inspect, check, and monitor construction and works supervision activities of field implementing offices for the purpose of ensuring that such activities are being conducted in accordance with the current standards and guidelines of the Department;
- d) Provide specialist support to implementing field offices on construction management and contract administration; 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.

SEC. 21. Bureau of Maintenance. — The Bureau of Maintenance is hereby created to provide technical services on the maintenance and repair of infrastructure projects and facilities. For this purpose, it shall have the following duties and responsibilities:

- a) Formulate policies relating to maintenance of infrastructure projects and facilities;
- b) Review and evaluate maintenance programs, estimates, and tender and contract documents;
- c) Inspect, check, and monitor maintenance activities of implementing field offices for the purpose of ensuring that such activities are being conducted in accordance with the current standards and policies of the Department;
- d) Provide specialist support to implementing field offices on the maintenance of infrastructure projects and facilities; 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.

SEC. 22. Bureau of Equipment. — The Bureau of Equipment is hereby created to provide technical services on the management of construction and maintenance equipment and ancillary facilities. For this purpose, it shall have the following duties and responsibilities:

- a) Formulate policies relating to the management of infrastructure equipment and ancillary facilities;
- b) Review and evaluate programs, estimates, and tender and contract documents for equipment;
- c) Inspect, check, and monitor the management of equipment by regional equipment services and area shops for the purpose of ensuring that such

activities are being conducted in accordance with the current standards and policies of the Department;

d) Provide specialist support to implementing field offices on equipment management;

e) Perform such other related duties and responsibilities as may be assigned or delegated by the Secretary or as may be required by law.

SEC. 23. Regional Office. — Regional Offices shall be responsible for flood control, water resource development systems, and other public works within the region. For this purpose, their duties and responsibilities shall be as follows:

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 all public and private physical structures;

d) Provide technical assistance related to their functions to other agencies within the region especially the local government;

e) Coordinate with other departments, agencies, institutions, and organizations, especially local government units 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.

The Department shall retain and have such Project Management Offices as may be required, which shall be under the supervision and control of the appropriate Regional Director, unless otherwise determined by the Secretary for reasons of supra-regional scope, magnitude, and multi-functional coverage.

SEC. 24. Regional Director. — The 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. Towards this end he shall, within his defined powers, exercise functional and administrative supervision over District Offices within the region including the authority to commit their resources and personnel to integrated regional water management and flood control and flood

1 risk management initiatives. He shall also perform such other related duties and
2 responsibilities as may be assigned or delegated by the Secretary or as may be
3 required by law.

4
5 The Regional Director shall be assisted by two (2) Assistant Regional Directors who
6 shall exercise supervision respectively over (1) the construction, maintenance, and
7 works supervision functions in the region, and (2) the planning, project design,
8 evaluation, and technical assistance functions of the Regional Office.

9
10 **SEC. 25. District Office.** — There shall be a District Office in each of the
11 provinces and cities throughout the country to be headed by a District Engineer
12 appointed by the Secretary. A province or city may, however, be divided into two (2)
13 or more engineering districts, upon determination and issuance of an administrative
14 order by the Secretary. The District Office shall be responsible for all flood control,
15 water resource development systems, and other public works within the district. For
16 this purpose, it shall have the following duties and responsibilities:

- 17
18 a) Undertake and evaluate the planning, design, construction, and works
19 supervision functions of the Department for the abovementioned
20 infrastructure in the district;
21
22 b) Undertake the maintenance of the abovementioned infrastructure within the
23 district and supervise the maintenance of local infrastructure receiving
24 national government financial assistance as the Secretary may determine;
25
26 c) Coordinate with other departments, agencies, institutions, and
27 organizations, especially local government units within the district in the
28 planning and implementation of infrastructure projects;
29
30 d) Provide technical assistance to other agencies at the local level on public
31 works planning, design, construction, maintenance, and other engineering
32 matters including securing assistance from the Regional Office or, through
33 the same Office, assistance from the Department Proper or Bureaus;
34
35 e) Conduct continuing consultations with local communities, take appropriate
36 measures to make the services of the Department responsive to the needs
37 of the general public, compile and submit such information to the Regional
38 Office, and recommend such appropriate actions as may be necessary; and
39
40 f) Perform such other related duties and responsibilities as may be assigned
41 or delegated by the Secretary or as may be required by law.

42
43 **SEC. 26. District Engineer.** — The District Engineer of or within a province or
44 city shall be accountable for the efficient and effective conduct of the duties and
45 responsibilities of the District Office of which he is the head. Within his defined
46 powers, he shall exercise functional and administrative supervision over district
47 operations including the authority to recommend that field resources and personnel
48 be committed to integrated district-wide development thrusts. He shall also perform
49 such other related duties and responsibilities as may be assigned or delegated by
50 the Secretary or as may be required by law.

51 **CHAPTER 3 - TRANSITORY PROVISIONS**
52

1 **SEC. 27. *Interface with Other Sector Regulators.* –**
2

- 3 1) The Department of Environment and Natural Resources shall continue to have
4 the primary authority and responsibility for protecting the environment and for
5 the conservation of water and related natural resources, including protecting
6 water bodies from waste and pollution, and shall promulgate rules, regulations,
7 and standards in this regard. The Department shall coordinate with the
8 Department of Environment and Natural Resources with respect to conservation
9 of water resources, protection from sewage and septage waste, and restoration
10 from environmental damage.
11
12 2) The Department of Health shall have primary authority and responsibility for
13 determining and enforcing drinking water quality and sanitation standards. The
14 Department shall coordinate with the Department of Health to achieve an
15 integrated approach for sanitation, including toilets, collection, treatment, and
16 evaluation of wastewater.
17
18 3) The Department shall subsume responsibility from the Department of Public
19 Works and Highways for wholly or primarily water-related public works projects
20 including flood control, water resources development, sewerage, sanitation, and
21 the harnessing and impounding of water. The Secretaries of each department
22 shall coordinate on the development of evaluation criteria, as necessary, to
23 determine proper allocation of public works projects between the two
24 departments.
25
26 4) The Department shall coordinate with the Department of Agriculture to ensure
27 agricultural development that reduces sources of long term pollution for surface
28 water and groundwater, and agricultural and industrial economic development
29 through water, recycling, and treating wastewater.
30
31 5) The Department shall closely coordinate with the WRC to ensure harmonious
32 standards, knowledge sharing, and effective and efficient allocation of personnel
33 and resources for the achievement of any similar or overlapping objectives.
34 Nothing in this Act shall be read to detract from the powers and duties of the
35 WRC.
36

37 **SEC. 28. *Transfer of Rights and Obligations.* –**
38

39 The Department shall, by virtue of this Act, be subrogated to all the rights, and
40 assume all the obligations, of the relevant parts of any government agencies and
41 units whose powers and functions have been transferred to the Department,
42 including the Department of Public Works and Highways and the Metro Manila
43 Development Authority.
44

45 The transfer of powers and functions in Section 27 above, as applicable, and
46 agencies attached thereto, as herein provided for, shall take effect within one
47 hundred eighty (180) days after the effectivity of this Act. The foregoing transfer of
48 powers and functions shall include all applicable funds, personnel, records,
49 property, and equipment, as may be necessary. All offices shall continue to function
50 under their present mandates until transition is effected as provided for under this
51 Act.
52

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

5
6 **SEC. 29. *Separation form Service.* –**
7

8 Employees separated from government service as a result of this Act shall be
9 entitled to the benefits that they may receive under existing laws, rules, and
10 regulations.

11
12 **SEC. 30. *Funding.* –**
13

14 The sum of Three Hundred Fifty Million Pesos (P 350,000,000.00) shall be set
15 aside from any available funds of the National Treasury, and is hereby appropriated
16 and authorized to be released, for the organization of the Department and its initial
17 operations.

18
19 Thereafter, funds sufficient to fully carry out the objectives, powers, and functions of
20 the Department shall be appropriated every fiscal year in the General Appropriations
21 Act.

22
23 The Department shall submit its annual budget, which shall include, among others,
24 detailed information on the compensation and benefits received by their employees,
25 to the Office of the President for approval.
26

27 **SEC. 31. *Periodic Performance Evaluation.* –** The Department is hereby
28 required to formulate and enforce a system of measuring and evaluating periodically
29 and objectively the performance of the Department and submit the same annually
30 to the President.
31

32 **SEC. 32. *Prohibition Against Change.* –** No change in the organizational
33 structure herein prescribed shall be valid except upon prior approval of the President
34 for the purpose of promoting efficiency and effectiveness in the delivery of public
35 services.
36

37 **SEC. 33. *Separability Clause.* –** In the event that any provision of this Act is
38 declared unconstitutional, invalid, or illegal, the constitutionality, validity, or legality
39 of the remainder of the provisions of this Act shall not be affected thereby.
40

41 **SEC. 34. *Repealing Clause.* –**
42

43 All laws, presidential decrees, letters of instructions, executive orders,
44 administrative orders, rules, regulations, and other issuances or parts thereof which
45 are contrary to or inconsistent with the provisions of this Act are hereby revoked,
46 repealed, amended, or modified accordingly.
47

48 **SEC. 35. *Effectivity.* –** This Act shall take effect fifteen (15) days following the
49 completion of its publication in two (2) national newspapers of general circulation.
50

51
52 ***Approved,...***



Republic of the Philippines
HOUSE OF THE REPRESENTAIVES
Constitution Hills, Quezon City

EIGHTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 1358



Introduced by
REPRESENTATIVE BERNADETTE HERRERA-DY

EXPLANATORY NOTE

The Philippines is a water rich country, yet despite an overflowing capital, many Filipinos experience deprivation from affordable, safe drinking water and a working sanitation system. This perennial problem has seriously affected the lives of our citizens in terms of health, sanitation, food security, and livelihood, in addition to negatively impacting the environment.

As noted at the 6th World Water Forum,¹ the lack of sufficient, safe, acceptable, accessible, affordable drinking water and sanitation is not a problem unique to the Philippines, but it is incumbent on each country to push for strong standards within its government and to contribute to global governance on the issues of water and sanitation.

The Philippines is lacking a strong liquid in-liquid out system, meaning that even if households are serviced with clean drinking water, a minute number receive adequate sanitation and sewerage services, leading to severe cases of leptospirosis, dengue, typhoid, and related tropical and water-borne illnesses. This year alone there has been a 16% increase in cases of dengue fever over the same period last year. Moreover, 31% of illnesses in the country are water-related.

The Water Resources Management Act of 2012 seeks to rationalize the resource management of water, sewage, and sanitation through the creation of the Department of Water, Sewage, and Sanitation ("Department"). Among its functions, the Department shall (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/or monitor water-related infrastructure to ensure quality and accessibility; and (4) contribute to international dialogue around, and push for domestic adoption of, policies to achieve universal access to water and sanitation.

¹ Held at Marseille, France. See <http://www.worldwaterforum6.org/en/>

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, so much so that 189 states recognized the Right to Water and Sanitation at the United Nations in 2011, according to the World Water Forum.² In step with the international movement, through this bill the Philippines is declaring a primary political priority the universal access to water and sanitation and sustainable management of water resources, forming an indispensable basis for social and economic improvement and basic health and prosperity. The Philippines is also committing to meeting and exceeding the Millennium Development Goals for water and sanitation. To ensure Filipinos the benefit of this most fundamental human right, the urgent approval of this bill is earnestly sought.



BERNADETTE HERRERA-DY

² See About page, 6th World Water Forum, <http://www.worldwaterforum6.org/en/the-forum/about/>



Republic of the Philippines
HOUSE OF THE REPRESENTAIVES
Constitution Hills, Quezon City

EIGHTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 1358

Introduced by
REPRESENTATIVE BERNADETTE HERRERA-DY

**AN ACT RATIONALIZING THE RESOURCE MANAGEMENT OF THE WATER
SECTOR, CREATING THE DEPARTMENT OF WATER, SEWAGE, AND
SANITATION, AND FOR OTHER PURPOSES**

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

CHAPTER 1 - GENERAL PROVISIONS

SEC. 1. Short Title. – This Act shall be known as the **“Water Resources
Management Act of 2012”**.

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

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

- a) To prioritize and seek the immediate attainment of universal access to
safe, adequate, affordable, and sustainable water supply and sanitation
services for all Filipinos, in particular the ignored populations such as
homeless and transient persons, and adopt all necessary measures
directed towards the realization of the human right to water and sanitation;
- b) To encourage State participation in and information sharing and education
around best practices in the international movement to achieve universal
access to water and sanitation and the integration of water, energy,
environment, and food security;
- c) 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

1 limited to domestic and municipal use, irrigation, power generation,
2 farming, fisheries, commercial, and industrial use;
3

4 d) To coordinate and strengthen policy and planning in relation to flood control
5 and flood risk management in order to plan against, prevent, and reduce
6 the detrimental and catastrophic effects of flood waters; and
7

8 e) To secure for all public works the highest efficiency and the most
9 appropriate quality in construction and to plan, design, construct, and
10 maintain infrastructure facilities in accordance with national development
11 objectives.
12

13 **SEC. 3. Definition of Terms.** – As used under this Act, the following words
14 or terms shall have the following meanings:
15

16 a) "Department" shall mean the Department of Water, Sewage, and Sanitation.

17 b) "Flood Control" refers to methods, acts and protocols to be observed in order
18 to prevent and reduce the detrimental and catastrophic effects of flood
19 waters:
20

21 c) "Flood Risk Management" refers to such acts of defining and determining the
22 appropriate methods, acts and protocols aimed at preventing and reducing
23 the risk of incurring loss of both life and property due to flood waters. It also
24 includes, but is not limited to, the implementation of precautionary measures,
25 as well as the installation of infrastructures and the determination of post-
26 flood clean-up activities in order to arrest the residual effects of flood waters;
27

28 d) "Sanitation" as used under this Act refers only to sewage, sanitation, and
29 septage management.
30

31 e) "Sewerage" shall refer to any system or network of sanitary pipelines,
32 ditches, channels, or conduits including pumping stations, lift stations, and
33 force mains, service connections including other constructions, devices, or
34 appliances appurtenant thereof, which includes the collection, sanitary piping
35 transport, pumping, and treatment of water-borne human or animal waste
36 removed from residences, buildings, institutions, and industrial and
37 commercial establishments to point of sewage treatment plant disposal.
38

39 f) "Sewage" shall refer to water-carried waste in solution or suspension,
40 including sanitary waste (waste products of normal living), commercial waste,
41 industrial waste, agricultural waste, and surface runoff, conveyed by a
42 sewerage system for treatment or disposal. For purposes of this Act, the
43 definition of septage shall be included in the use of sewage.
44

45 g) "Septage" shall refer to sludge produced on individual onsite wastewater
46 disposal systems, principally septic tanks and cesspools.
47

1 h) "WRC" shall mean the Water Regulatory Commission³ or to any present or
2 future water regulatory body with quasi-judicial powers and tasked to provide
3 economic and administrative regulation of water utilities.
4

5 The terms "infrastructure" and "public works" as used in this Act should be read to
6 apply only to wholly or primarily water-related projects and shall not be read to
7 incorporate projects which would not otherwise fall within the purview of the
8 objectives, power, and duties of the Department.
9

10 CHAPTER 2 - ORGANIZATION

11 **SEC. 4. *The Department of Water, Sewage, and Sanitation.*** – There is
12 hereby created and established the Department of Water, Sewage, and Sanitation,
13 hereinafter referred to as the "Department", which shall be organized within one
14 hundred twenty (120) days after the effectivity of this Act. The Department shall be
15 tasked with developing and implementing a comprehensive water, sewage, and
16 sanitation program for the Philippines including, but not limited to: (a)
17 implementing necessary policy and resource reforms with respect to the
18 management of water, sewage, and sanitation; (b) monitoring and evaluating
19 compliance with the Social Contract of the President and the Millennium
20 Development Goals as they relate to water, sewage, and sanitation; (c)
21 formulating a national updated road map to address the water, sewage, and
22 sanitation requirements of the State; and (d) improving conservation of water and
23 increasing system efficiencies.

24 **SEC. 5. *Powers and Duties of the Department.*** – The Department shall
25 have the following powers and duties, among others:
26

- 27 a) Develop policies to promote universal access to safe, adequate, affordable,
28 and sustainable water supply, sewage, and sanitation services for all
29 Filipinos;
30
- 31 b) Coordinate with the WRC and other relevant entities to provide policy
32 directions, strategies, and targets to meet the goals and objectives for water
33 supply, sewage, and sanitation. Such policies shall, among other things,
34 integrate the issues of water, sewer, energy, environment, and food security;
35
- 36 c) Manage and protect the country's water resources to ensure the optimal use
37 thereof for domestic water supply, sewage, sanitation, irrigation,
38 hydropower, navigation, flood control, and recreation, including the
39 enhancement and maintenance of water quality, conservation of
40 watersheds, control of water pollution, and environmental restoration,
41 without compromising the natural ecosystem functions and services;
42
- 43 d) Manage the ownership, appropriation, utilization, exploitation, development,
44 conservation, and protection of water resources and rights to land related
45 thereto and their competing demands;
46
- 47 e) Undertake and coordinate with other agencies and government entities in
48 data gathering, scientific research, and studies on water resources
49 management and development, and conduct nationwide hydrologic surveys

³ Pending under HB 4137, "The Water Regulatory Act of 201_", co-authored by Rep. Bernadette Herrera-Dy and Rep. Sonny Angara and certified as a priority measure by President Benigno S. Aquino III.

- 1 to determine the annual renewable water available per water region;
2
- 3 f) Formulate and enforce rules and regulation in the administration and
4 management of the country's water resources and implement rules and
5 guidelines for the enforcement of water-related laws;
6
- 7 g) Conduct continuing surveys and studies of the country's renewable water
8 supply with a view towards formulating long-term policies to balance the
9 sustainability and optimal use of water resources, defining the hydrologic
10 boundaries of basins of the existing water supply sources, and creating and
11 implementing countrywide masterplans for water resources management
12 and development;
13
- 14 h) Coordinate with and assist other government agencies in all aspects of data
15 gathering, conduct studies and research, and classify and establish water
16 quality standards for surface and ground water, including national standards
17 for drinking water and wastewater effluence in coordination with relevant
18 agencies;
19
- 20 i) Coordinate with other relevant agencies to engage in flood control and flood
21 risk management, formulate integrated water resources management
22 (IWRM) policies and plans, and coordinate the implementation, promotion,
23 revision, and enhancement of IWRM plans;
24
- 25 j) Effect and compel inter-sectoral, inter-agency, and inter-departmental
26 coordination on water, sewage, and sanitation resources development
27 planning with the aim of operationalizing the integrated approach to water
28 resources management;
29
- 30 k) Regulate and control the utilization, exploitation, abstraction, diversion, and
31 development of water resources, taking into consideration its equitable
32 distribution, and determine the standards of beneficial and priority uses of
33 water in times of crisis and national emergencies;
34
- 35 l) Assist and provide the National Economic Development Authority (NEDA)
36 with required data and inputs from and for the water sector in the formulation
37 of the country's short-term and long-term strategic development plans and
38 actions;
39
- 40 m) Coordinate with other relevant agencies and develop policies and plans in
41 respect of water resources used for farming, including sustainable
42 mechanisms for irrigation;
43
- 44 n) Pass upon, approve, or disapprove all plans, programs, or development
45 projects of private individuals, corporations, and government agencies,
46 whether national or local, that affect water resources, its diversion or
47 abstraction, and the construction of hydraulic facilities, including but not
48 limited to plans and projects in watershed or basin areas of water supply
49 sources, which have direct or indirect impact on the affected locality's water
50 resources;
51
52

- o) 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;
- 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 investigations, 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 affecting conservation and sustainability of water supply, such 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, within 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 including, but not limited to, farmers and LGUs, whether directly or in coordination with other agencies, to assist them in applying for water permits and providing data on water, sewage, and sanitation resource usage;
- s) Plan, design, construct, and maintain infrastructure facilities, flood control, and water resource development systems and provide technical services for the planning, design, construction, maintenance, and/or operation of the same;
- t) In coordination with other relevant agencies, develop and implement effective codes, standards, and reasonable guidelines to ensure the safety of all public and private structures in the country and assure efficiency and proper quality in the construction of water, sewage, and sanitation infrastructure;
- u) Coordinate with relevant agencies, including the Department of Environment and Natural Resources and the WRC, to ensure that the agencies' respective standards complement each other when taken as part of a larger whole;
- v) In coordination with other relevant agencies, ascertain that all plans and project implementation designs are consistent with current standards and guidelines;

- w) Provide the works supervision function for all public works construction and ensure that actual construction is done in accordance with approved government plans and specifications;
- x) Assist other agencies, including LGUs, in determining the most suitable entity to undertake the actual construction of water, sewage, and sanitation projects;
- y) 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;
- z) Provide integrated planning for flood control, flood risk management, and water resource development and management systems, and other public works;
- aa) Issue and promulgate rules, regulations, and guidelines as may be necessary to implement and enforce its powers and functions under this Act;
- bb) Determine and require the monitoring and submission of such data, statistics, and other information as may be necessary for the effective and efficient exercise of its duties, functions, powers, and responsibilities;
- cc) Respond to consumer complaints and ensure the adequate promotion of consumer interests;
- dd) Deputize agents, whether from the public or private sector, to assist in the performance of any of the powers and functions of the Department;
- ee) Appoint, hire, and maintain adequate staff and personnel, advisers, and/or consultants, with suitable qualifications and experience, as necessary;
- ff) Exercise such other powers and functions necessary or incidental to the effective administration and management of the country's water, sewer, and sanitation resources;
- gg) Exercise such other incidental powers and functions as may be necessary to attain the objectives of this Act; and
- hh) Carry out such other functions as the President may from time to time assign to the Department consistent with the aims and provisions of this Act.

SEC. 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 of the Department of Water, Sewage, and Sanitation, hereinafter referred to as the Secretary, who shall have 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, regulations, 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 all Bureaus and Offices 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 defined herein or as delegated by the President, to officers and employees under his direction; and
- g) Perform such other duties and responsibilities as may be provided by law.

No person shall be appointed Secretary unless he possesses extensive knowledge of public administration and has a minimum of ten (10) years experience in the administration of water, sewage, or sanitation programs, preferably in a public agency.

SEC. 7. Office of the Secretary. — The Office of the Secretary shall be composed of the Secretary and his immediate staff.

SEC. 8. Undersecretaries. — The Secretary shall be assisted by not more than five (5) Undersecretaries, including the Undersecretary for Global and Holistic Planning noted below, who shall be appointed by the President upon the recommendation of the Secretary. The Secretary is hereby authorized to delineate and assign the respective functional areas of responsibility of the Undersecretaries; provided, that such responsibility shall be with respect to the mandate and objectives of the Department; and provided, further, that no Undersecretary shall be assigned primarily administrative responsibilities. Within his functional area of responsibility, an Undersecretary shall have the following functions:

- a) Advise and assist the Secretary in the formulation and implementation of Department policies, plans, programs, and projects;
- b) Supervise all the operational activities of the units assigned to him, for which 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.

The Undersecretary for Global and Holistic Planning shall have primary responsibility, with the support of and in coordination with the Planning Service, for participating in international dialogue to learn from and contribute to, and for

1 advancing domestic efforts in the pursuit of, the ultimate goal of universal access
2 to water supply, sewerage, and sanitation systems and sustainable management
3 of water resources. He shall also have primary responsibility for knowledge
4 sharing and advancement of efforts around the integration of water, energy,
5 environment, and food security.

6
7 No person shall be appointed Undersecretary unless he possesses a working
8 knowledge of public administration and has a minimum of seven (7) years
9 experience in the administration of water, sewage, or sanitation programs,
10 preferably in a public agency or with legal or financial knowledge of such
11 programs.

12
13 **SEC. 9. Assistant Secretaries.** — The Secretary shall also be assisted by six
14 (6) Assistant Secretaries appointed by the President of the Philippines upon the
15 recommendation of the Secretary: one to be responsible for the Internal Audit
16 Services; one for the Monitoring and Information Service; one for the Planning
17 Service; one for the Comptrollership and Financial Management Service; one for
18 the Legal Service; and one for the Administrative and Manpower Management
19 Service.

20
21 No person shall be appointed Assistant Secretary unless he possesses a working
22 knowledge of public administration and has a minimum of five (5) years
23 experience in the administration of water, sewage, or sanitation programs, or
24 other public works programs.

25
26 **SEC. 10. Organizational Structure.** — The Department shall be composed of
27 the following organizational units:

- 28
29 a) Department Proper consisting of the Office of the Secretary, the Offices of
30 the Undersecretaries and Assistant Secretaries, the Internal Audit Service,
31 Monitoring and Information Service, Planning Service, Comptrollership and
32 Financial Management Service, Legal Service, and the Administrative
33 Service;
34
35 b) Bureau of Research and Standards, Bureau of Design, Bureau of
36 Construction, Bureau of Maintenance, and Bureau of Equipment; and
37
38 c) Regional Offices, as deemed appropriate and necessary by the Secretary.

39
40 **SEC. 11. Internal Audit Service.** — The Internal Audit Service is hereby created
41 for the purpose of conducting comprehensive audit of various Department activities.
42 Specifically, it shall have the following functions:

- 43
44 a) Advise the Secretary on all matters relating to management control and
45 operations audit;
46
47 b) Conduct management and operations performance audit of Department
48 activities and units and determine as to the degree of compliance with
49 established objectives, policies, methods and procedures, government
50 regulations, and contractual obligations of the Department;
51

- c) Review and appraise systems and procedures, organizational structure, assets management practices, accounting, and other records, reports, and performance standards (such as budgets and standard costs) of the Department Proper, Bureaus, 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.

SEC. 12. *Monitoring and Information Service.* — The Monitoring and Information Service is hereby created to provide the Secretary timely reports on the status of various Department projects and activities and develop and implement information programs for mass dissemination in coordination with the appropriate government agencies. The Monitoring and Information Service shall have the following functions:

- a) Advise the Secretary on all matters relating to monitoring and public information;
- b) Develop and maintain a system for retrieving and processing monitoring information on all projects and activities of concern to the Secretary;
- c) Provide accurate and timely status and exception reports to the Secretary;
- d) Generate monitoring reports for the President, the Cabinet, or for any other purpose as required by the Secretary;
- e) Develop and supervise the implementation of communications programs to have relevant policies, programs, and plans of the Department understood by the public;
- f) Produce and supervise the dissemination of media materials in line with national government public information programs;
- g) Coordinate with the appropriate national government agencies tasked with public information affairs; and
- h) Perform such other related duties and responsibilities as may be assigned or delegated by the Secretary or as may be required by law.

SEC. 13. *Planning Service.* — The Planning Service is hereby created to provide the Department with the capability to undertake infrastructure development planning and programming. For this purpose, it shall have the following functions:

- a) Advise the Secretary on all matters relating to infrastructure planning;
- b) Assist the Undersecretary for Global and Holistic Planning on all matters related to the specific functions of his position detailed in Section 8;

- c) Formulate strategies and priorities for infrastructure development consistent with national development objectives and initiate or undertake relevant surveys for development planning;
- d) Formulate 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 implementation and review and integrate land use plans with these water development plans;
- e) Identify 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 thereof;
- f) Prioritize project implementation and the allocation of funds and other resources and package project proposals for funding and implementation;
- g) 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;
- h) Initiate regular Department-wide planning exercises and act as the secretariat thereof;
- i) Gather, analyze, and organize needed statistical data and information;
- j) Provide technical assistance related to its functions to the other Services, Bureaus, and the Regional Offices as needed; and
- k) Perform such other related duties and responsibilities as may be assigned or delegated by the Secretary or as may be required by law.

SEC. 14. Comptrollership and Financial Management Service. — The Comptrollership and Financial Management Service is hereby created to provide the Department with coordinated services relating to financial systems and procedures, budget, cash, accounting, and all financial housekeeping matters. 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 the proper offices;
- c) Develop and maintain accounting, financial, and assets management systems, procedures, and practices in the Department Proper, Bureaus, and Regional Offices;

- d) Provide assistance in its area of specialization to any unit of the Department and, when requested, to government corporations and councils 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.

SEC. 15. Legal Service. — The Legal Service is hereby created to provide the Department with services on such legal affairs as contract letting and litigation, legal and legislative research, complaints and investigation, legal counseling, and other matters of law. For such purposes, it shall have the following functions:

- a) Advise the Secretary on all matters relating to legal affairs;
- b) Prepare Department contracts and legal instruments, review and interpret all contracts and agreements entered into by the Department, and evaluate all legal proposals;
- c) Conduct administrative investigation as well as the review of administrative charges against officers and employees of the Department;
- d) Exercise functional jurisdiction over the legal staffs of Regional Offices;
- e) Provide legal assistance to the Department Proper, the Bureaus, and Regional Offices and, when requested, the attached corporations; and
- f) Perform such other related duties and responsibilities as may be assigned or delegated by the Secretary or as may be required by law.

SEC. 16. 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, security, and 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 personnel plan that shall include provisions on merit promotions, performance evaluation, job rotation, suggestions and incentive awards systems, and health and welfare services;
- c) Provide services related to human resources training, education, and development, including manpower, career planning and forecasting, and development of indigenous training materials;
- d) Develop, establish, and maintain an efficient and cost-effective property procurement system and facilities and coordinate or otherwise interface with relevant agencies, whether government or private, for the purpose of developing or upgrading the system;

- e) Secure and maintain necessary Department facilities, and develop, establish, and maintain an efficient and effective security system covering, among others, personnel, physical installations, equipment, documents, and materials, including the conduct of security investigations;
- f) Coordinate with the appropriate government agencies for a more efficient conduct of administrative processes;
- g) Develop, establish, and maintain an efficient records system;
- h) Provide assistance in its area of specialization to the Department Proper, Bureaus, and Regional Offices and, when requested, the government agencies and corporations attached to the Department; and
- i) Perform such other related duties and responsibilities as may be assigned or delegated by the Secretary or as may be required by law.

SEC. 17. Bureau Head. — Each Bureau shall be headed by a Bureau Director who shall be responsible for efficiently and effectively carrying out the functions of the Bureau concerned.

SEC. 18. Bureau of Research and Standards. — The Bureau of Research and Standards is hereby created to develop and set effective standards and reasonable guidelines to ensure the safety of all infrastructure facilities in the country and to assure efficiency and proper quality in the construction of government public works. In pursuit of this task, the Bureau shall engage in research and development on all major areas pertinent to infrastructure development. For such purposes, it shall have the following functions:

- a) Study, on a continuing basis, and formulate and recommend guidelines, standards, criteria, and systems for the survey and design, construction, rehabilitation, maintenance, and improvement of all public works;
- b) Conduct or sponsor research on construction materials and formulate and recommend policies, standards, and guidelines on materials and quality control;
- c) Undertake or cause to be undertaken specialized technical studies to advance the in-house technology of the Department and secure the most complete information for project development and implementation purposes;
- d) Oversee the development and continuous updating of water resource management, computerized decision support systems that incorporates data management system (acquisition and database), model base (physical, design, planning and decision models), and user-friendly interface (graphical and visualization tools);
- e) Handle infrastructure and program development including planning, assessment, and value-engineering studies of water infrastructure (structural) projects and program (non-structural) developments as well as the strategic development of water facilities and operations which shall cover special studies and development of operating strategies, procedures, and

1 protocols and accompanying computerized decision tools for normal and
2 emergency operations of major water facilities;

- 3
- 4 f) Formulate technical training programs for Department technical personnel,
5 including the identification of appropriate local and foreign training programs,
6 and recommend the selection of Department personnel for such programs;
7
- 8 g) Review and study for the purpose of recognizing new technologies,
9 especially those utilizing indigenous resources, current national
10 infrastructure development standards and procedures, and make
11 appropriate recommendations thereon;
12
- 13 h) Promote, publish, and disseminate technical publications;
14
- 15 i) Provide technical assistance to the Department Proper, other Bureaus,
16 Regional Offices, and other agencies on matters within its competence;
17
- 18 j) Cooperate or coordinate with other established research, development, and
19 engineering centers in areas of common or national interest; and
20
- 21 k) Perform such other related duties and responsibilities as may be assigned
22 or delegated by the Secretary or as may be required by law.
23

24 **SEC. 19. *Bureau of Design.*** — The Bureau of Design is hereby created to
25 ascertain that all government infrastructure project implementation plans and
26 designs are consistent with current standards and guidelines. For this purpose, it
27 shall have the following duties and responsibilities:
28

- 29 a) Conduct or initiate, supervise, and/or review the results of field surveys for
30 flood control, water resource development systems, and other public works
31 projects, including aerial, hydrologic, hydrographic, topographic,
32 geotechnical, and other investigations;
33
- 34 b) Conduct or initiate, supervise, and/or review the preparation of schemes,
35 designs, specifications, and estimates and tender and contract documents
36 covering the architectural, structural, mechanical, electrical, and other
37 technical design aspects of flood control, water resource development
38 systems, and other projects of the Department or of other departments upon
39 request or agreement and in accordance with current standards and
40 guidelines;
41
- 42 c) Provide technical assistance in the selection of firms or entities that shall
43 undertake actual construction of public works projects via participation in the
44 technical evaluation aspect of the bidding/award process; and
45
- 46 d) Perform such other related duties and responsibilities as may be assigned
47 or delegated by the Secretary or as may be required by law.
48

49 **SEC. 20. *Bureau of Construction.*** — The Bureau of Construction is hereby
50 created to provide technical services on construction works for infrastructure
51 projects and facilities. For this purpose, it shall have the following duties and
52 responsibilities:

- a) Formulate policies relating to construction management and contract administration;
- b) Review and evaluate construction programs and estimates and tender and contract documents;
- c) Inspect, check, and monitor construction and works supervision activities of field implementing offices for the purpose of ensuring that such activities are being conducted in accordance with the current standards and guidelines of the Department;
- d) Provide specialist support to implementing field offices on construction management and contract administration; 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.

SEC. 21. Bureau of Maintenance. — The Bureau of Maintenance is hereby created to provide technical services on the maintenance and repair of infrastructure projects and facilities. For this purpose, it shall have the following duties and responsibilities:

- a) Formulate policies relating to maintenance of infrastructure projects and facilities;
- b) Review and evaluate maintenance programs, estimates, and tender and contract documents;
- c) Inspect, check, and monitor maintenance activities of implementing field offices for the purpose of ensuring that such activities are being conducted in accordance with the current standards and policies of the Department;
- d) Provide specialist support to implementing field offices on the maintenance of infrastructure projects and facilities; 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.

SEC. 22. Bureau of Equipment. — The Bureau of Equipment is hereby created to provide technical services on the management of construction and maintenance equipment and ancillary facilities. For this purpose, it shall have the following duties and responsibilities:

- a) Formulate policies relating to the management of infrastructure equipment and ancillary facilities;
- b) Review and evaluate programs, estimates, and tender and contract documents for equipment;
- c) Inspect, check, and monitor the management of equipment by regional equipment services and area shops for the purpose of ensuring that such

1 activities are being conducted in accordance with the current standards and
2 policies of the Department;

- 3
4 d) Provide specialist support to implementing field offices on equipment
5 management;
6
7 e) Perform such other related duties and responsibilities as may be assigned
8 or delegated by the Secretary or as may be required by law.
9

10 **SEC. 23. Regional Office.** — Regional Offices shall be responsible for flood
11 control, water resource development systems, and other public works within the
12 region. For this purpose, their duties and responsibilities shall be as follows:
13

- 14 a) Undertake and evaluate the planning, design, construction, and works
15 supervision functions of the Department for the abovementioned
16 infrastructure within the region;
17
18 b) Undertake the maintenance of the abovementioned infrastructure within the
19 region and supervise the maintenance of such local infrastructure receiving
20 national government financial assistance as the Secretary may determine;
21
22 c) Ensure the implementation of laws, policies, programs, rules, and
23 regulations regarding the abovementioned infrastructure as well as all public
24 and private physical structures;
25
26 d) Provide technical assistance related to their functions to other agencies
27 within the region especially the local government;
28
29 e) Coordinate with other departments, agencies, institutions, and
30 organizations, especially local government units within the region, in the
31 planning and implementation of infrastructure projects;
32
33 f) Conduct continuing consultations with the local communities, take
34 appropriate measures to make the services of the Department responsive to
35 the needs of the general public, compile and submit such information to the
36 central office, and recommend such appropriate actions as may be
37 necessary; and
38
39 g) Perform such other related duties and responsibilities as may be assigned
40 or delegated by the Secretary or as may be required by law.
41

42 The Department shall retain and have such Project Management Offices as may be
43 required, which shall be under the supervision and control of the appropriate
44 Regional Director, unless otherwise determined by the Secretary for reasons of
45 supra-regional scope, magnitude, and multi-functional coverage.
46

47 **SEC. 24. Regional Director.** — The Regional Office shall be headed by a
48 Regional Director who shall be responsible for efficiently and effectively carrying out
49 the duties and responsibilities of the Regional Office. Towards this end he shall,
50 within his defined powers, exercise functional and administrative supervision over
51 District Offices within the region including the authority to commit their resources
52 and personnel to integrated regional water management and flood control and flood

1 risk management initiatives. He shall also perform such other related duties and
2 responsibilities as may be assigned or delegated by the Secretary or as may be
3 required by law.

4
5 The Regional Director shall be assisted by two (2) Assistant Regional Directors who
6 shall exercise supervision respectively over (1) the construction, maintenance, and
7 works supervision functions in the region, and (2) the planning, project design,
8 evaluation, and technical assistance functions of the Regional Office.

9
10 **SEC. 25. District Office.** — There shall be a District Office in each of the
11 provinces and cities throughout the country to be headed by a District Engineer
12 appointed by the Secretary. A province or city may, however, be divided into two (2)
13 or more engineering districts, upon determination and issuance of an administrative
14 order by the Secretary. The District Office shall be responsible for all flood control,
15 water resource development systems, and other public works within the district. For
16 this purpose, it shall have the following duties and responsibilities:

- 17
18 a) Undertake and evaluate the planning, design, construction, and works
19 supervision functions of the Department for the abovementioned
20 infrastructure in the district;
21
22 b) Undertake the maintenance of the abovementioned infrastructure within the
23 district and supervise the maintenance of local infrastructure receiving
24 national government financial assistance as the Secretary may determine;
25
26 c) Coordinate with other departments, agencies, institutions, and
27 organizations, especially local government units within the district in the
28 planning and implementation of infrastructure projects;
29
30 d) Provide technical assistance to other agencies at the local level on public
31 works planning, design, construction, maintenance, and other engineering
32 matters including securing assistance from the Regional Office or, through
33 the same Office, assistance from the Department Proper or Bureaus;
34
35 e) Conduct continuing consultations with local communities, take appropriate
36 measures to make the services of the Department responsive to the needs
37 of the general public, compile and submit such information to the Regional
38 Office, and recommend such appropriate actions as may be necessary; and
39
40 f) Perform such other related duties and responsibilities as may be assigned
41 or delegated by the Secretary or as may be required by law.

42
43 **SEC. 26. District Engineer.** — The District Engineer of or within a province or
44 city shall be accountable for the efficient and effective conduct of the duties and
45 responsibilities of the District Office of which he is the head. Within his defined
46 powers, he shall exercise functional and administrative supervision over district
47 operations including the authority to recommend that field resources and personnel
48 be committed to integrated district-wide development thrusts. He shall also perform
49 such other related duties and responsibilities as may be assigned or delegated by
50 the Secretary or as may be required by law.

51 **CHAPTER 3 - TRANSITORY PROVISIONS**

52

1 **SEC. 27. Interface with Other Sector Regulators. –**
2

- 3 1) The Department of Environment and Natural Resources shall continue to have
4 the primary authority and responsibility for protecting the environment and for
5 the conservation of water and related natural resources, including protecting
6 water bodies from waste and pollution, and shall promulgate rules, regulations,
7 and standards in this regard. The Department shall coordinate with the
8 Department of Environment and Natural Resources with respect to conservation
9 of water resources, protection from sewage and septage waste, and restoration
10 from environmental damage.
11
12 2) The Department of Health shall have primary authority and responsibility for
13 determining and enforcing drinking water quality and sanitation standards. The
14 Department shall coordinate with the Department of Health to achieve an
15 integrated approach for sanitation, including toilets, collection, treatment, and
16 evaluation of wastewater.
17
18 3) The Department shall subsume responsibility from the Department of Public
19 Works and Highways for wholly or primarily water-related public works projects
20 including flood control, water resources development, sewerage, sanitation, and
21 the harnessing and impounding of water. The Secretaries of each department
22 shall coordinate on the development of evaluation criteria, as necessary, to
23 determine proper allocation of public works projects between the two
24 departments.
25
26 4) The Department shall coordinate with the Department of Agriculture to ensure
27 agricultural development that reduces sources of long term pollution for surface
28 water and groundwater, and agricultural and industrial economic development
29 through water, recycling, and treating wastewater.
30
31 5) The Department shall closely coordinate with the WRC to ensure harmonious
32 standards, knowledge sharing, and effective and efficient allocation of personnel
33 and resources for the achievement of any similar or overlapping objectives.
34 Nothing in this Act shall be read to detract from the powers and duties of the
35 WRC.
36

37 **SEC. 28. Transfer of Rights and Obligations. –**
38

39 The Department shall, by virtue of this Act, be subrogated to all the rights, and
40 assume all the obligations, of the relevant parts of any government agencies and
41 units whose powers and functions have been transferred to the Department,
42 including the Department of Public Works and Highways and the Metro Manila
43 Development Authority.
44

45 The transfer of powers and functions in Section 27 above, as applicable, and
46 agencies attached thereto, as herein provided for, shall take effect within one
47 hundred eighty (180) days after the effectivity of this Act. The foregoing transfer of
48 powers and functions shall include all applicable funds, personnel, records,
49 property, and equipment, as may be necessary. All offices shall continue to function
50 under their present mandates until transition is effected as provided for under this
51 Act.
52

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

5
6 **SEC. 29. *Separation from Service.* –**
7

8 Employees separated from government service as a result of this Act shall be
9 entitled to the benefits that they may receive under existing laws, rules, and
10 regulations.

11
12 **SEC. 30. *Funding.* –**
13

14 The sum of **Three Hundred Fifty Million Pesos (P 350,000,000.00)** shall be set
15 aside from any available funds of the National Treasury, and is hereby appropriated
16 and authorized to be released, for the organization of the Department and its initial
17 operations.

18
19 Thereafter, funds sufficient to fully carry out the objectives, powers, and functions of
20 the Department shall be appropriated every fiscal year in the General Appropriations
21 Act.

22
23 The Department shall submit its annual budget, which shall include, among others,
24 detailed information on the compensation and benefits received by their employees,
25 to the Office of the President for approval.
26

27 **SEC. 31. *Periodic Performance Evaluation.* –** The Department is hereby
28 required to formulate and enforce a system of measuring and evaluating periodically
29 and objectively the performance of the Department and submit the same annually
30 to the President.
31

32 **SEC. 32. *Prohibition Against Change.* –** No change in the organizational
33 structure herein prescribed shall be valid except upon prior approval of the President
34 for the purpose of promoting efficiency and effectiveness in the delivery of public
35 services.
36

37 **SEC. 33. *Separability Clause.* –** In the event that any provision of this Act is
38 declared unconstitutional, invalid, or illegal, the constitutionality, validity, or legality
39 of the remainder of the provisions of this Act shall not be affected thereby.
40

41 **SEC. 34. *Repealing Clause.* –**
42

43 All laws, presidential decrees, letters of instructions, executive orders,
44 administrative orders, rules, regulations, and other issuances or parts thereof which
45 are contrary to or inconsistent with the provisions of this Act are hereby revoked,
46 repealed, amended, or modified accordingly.
47

48 **SEC. 35. *Effectivity.* –** This Act shall take effect fifteen (15) days following the
49 completion of its publication in two (2) national newspapers of general circulation.
50

51
52 ***Approved,...***