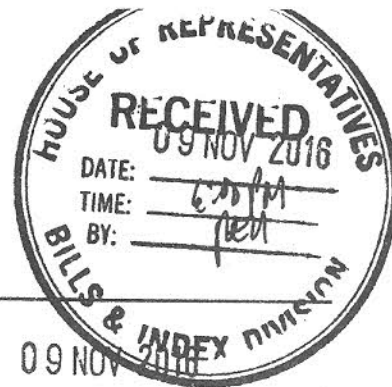


Republic of the Philippines
House of Representatives
Quezon City
Seventeenth Congress
First Regular Session



COMMITTEE REPORT NO. 01 18

Submitted by the Committee on Metro Manila Development on _____

Re: House Bill No. 4340

Recommending its approval in substitution of House Bill No. 3460

Sponsors: Reps. Winston Castelo, Jose Christopher Belmonte, Bayani Fernando, Emi Calixto-Rubiano, Gus Tambunting, Dale "Along" Malapitan, Federico "Ricky" Sandoval II, Bernadette Herrera-Dy, Sherwin Tugna, Edgar Erice, Romero "Miro" Quimbo, Vincent "Bingbong" Crisologo, Alexandria Gonzales, Aurelio Gonzales and Rodel Batocabe

Mr. Speaker:

The Committee on Metro Manila Development to which was referred House Bill No. 3460, introduced by Rep. Winston Castelo, entitled:

AN ACT
REQUIRING ALL NEW SUBDIVISIONS, CONDOMINIUM COMMUNITIES,
MALLS, GOVERNMENT INSTITUTIONS, CENTRAL BUSINESS DISTRICTS AND
INFORMATION TECHNOLOGY PARKS IN METRO MANILA TO CONSTRUCT
RAIN HARVESTING FACILITY AND FOR OTHER PURPOSES

has considered the same and recommends that the attached House Bill No. 4340, entitled:

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

be approved in substitution of House Bill No. 3460, with Reps. Winston Castelo, Jose Christopher Belmonte, Bayani Fernando, Emi Calixto-Rubiano, Gus Tambunting, Dale "Along" Malapitan, Federico "Ricky" Sandoval II, Bernadette Herrera-Dy, Sherwin Tugna, Edgar Erice, Romero "Miro" Quimbo, Vincent "Bingbong" Crisologo, Alexandria Gonzales, Aurelio Gonzales, and Rodel Batocabe as authors thereof.

Respectfully submitted,


WINSTON T. CASTELO

Chairman

THE HONORABLE SPEAKER
HOUSE OF REPRESENTATIVES
QUEZON CITY

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
First Regular Session

House Bill No. **4340**

Introduced by Reps. Winston T. Castelo, Jose Christopher Belmonte, Bayani Fernando, Emi Calixto-Rubiano, Gus Tambunting, Dale "Along" Malapitan, Federico "Ricky" Sandoval II, Bernadette Herrera-Dy, Sherwin Tugna, Edgar Erice, Romero "Miro" Quimbo, Vincent "Bingbong" Crisologo, Alexandria Gonzales, Aurelio Gonzales and Rodel Batocabe

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

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

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

3 SEC. 2. *Declaration of Policy.* – It is declared a policy of the State to
4 protect and advance the right of the people to a balanced and healthful ecology
5 in accord with the rhythm and harmony of nature. Pursuant thereto, the State
6 shall mandate the establishment of rainwater harvesting facilities to reduce
7 flooding and relieve the metropolis of the devastating effects of typhoons and

1 other weather disturbances, shall urge the conservation of potable water, and
2 shall engage the active participation of the public and private sector in the flood
3 mitigating efforts and initiatives of the government.

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

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

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

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

4 SEC. 4. *Rainwater Harvesting Facility Requirement.* – An owner or
5 developer of a new commercial, institutional, and residential development
6 project in Metro Manila, with an area of at least one thousand five hundred
7 (1,500) square meters and requiring the issuance of building permit, shall
8 reserve, develop, and maintain at least three percent (3%) of the total area,
9 exclusive of roads, service streets and alleys, as a rainwater harvesting facility.

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

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

18 SEC. 5. *Design Approval* – The provision for a rainwater harvesting
19 facility shall be required by the Housing and Land Use Regulatory Board
20 (HLURB) and local government units (LGUs) to be incorporated in the design
21 of all new commercial, institutional, and residential development projects in

1 Metro Manila and no project design shall be approved for construction unless
2 it includes such facility. The HLURB and the LGUs shall ensure that these
3 facilities are built during the construction phase of the projects.

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

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

15 SEC. 7. *Building Permits.* – If the design of a new commercial,
16 institutional, and residential project in Metro Manila with an area of at least
17 one thousand five hundred (1,500) square meters does not provide for a
18 rainwater harvesting facility, the LGU concerned shall deny the request for
19 issuance of a building permit for such project.

20 SEC. 8. *Penalties.* – The owner or developer of all new commercial,
21 institutional, and residential development projects in Metro Manila who fails

1 to construct a rainwater harvesting facility in violation of Section 4 of this Act
2 shall suffer the penalty of a fine of not less than Five hundred thousand pesos
3 (₱ 500,000.00), but not more than Two million pesos (₱ 2,000,000.00) for
4 every year of non-compliance.

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

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

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

16 SEC. 9. *Implementing Rules and Regulations.* – Within sixty (60)
17 days from the effectivity of this Act, the Secretary of Public Works and
18 Highways shall, in coordination with the Secretary of the Interior and Local
19 Government, the Chief Executive Officer of the Housing and Land Use
20 Regulatory Board, and the Administrator of the Philippine Atmospheric,
21 Geophysical and Astronomical Services Administration, promulgate the rules

1 and regulations for the effective implementation of this Act. The implementing
2 rules and regulations shall include the standards and guidelines for the design,
3 construction, installation, materials, site selection and planning, site-specific
4 considerations, and maintenance of the rainwater harvesting facility.

5 SEC. 10. *Separability Clause.* – If any provision or part of this Act is
6 declared invalid or unconstitutional, the remaining parts or provisions not
7 affected shall remain in full force and effect.

8 SEC. 11. *Repealing Clause.* – All other laws, rules and regulations,
9 orders, circulars, and other issuances or parts thereof, which are inconsistent
10 with the provisions of this Act are hereby repealed or amended accordingly.

11 SEC. 12. *Effectivity Clause.* – This Act shall take effect fifteen (15) days
12 after its publication in the Official Gazette or a national newspaper of general
13 circulation.

14 Approved,

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

Seventeenth Congress
First Regular Session

FACT SHEET
House Bill No. **4340**

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

Introduced by Reps. Winston Castelo, Jose Christopher Belmonte, Bayani Fernando, Emi Calixto-Rubiano, Gus Tambunting, Dale "Along" Malapitan, Federico "Ricky" Sandoval II, Bernadette Herrera-Dy, Sherwin Tugna, Edgar Erice, Romero "Miro" Quimbo, Vincent "Bingbong" Crisologo, Alexandria Gonzales, Aurelio Gonzales and Rodel Batocabe

Committee Referral: Committee on Metro Manila Development
Committee Chairperson: Rep. Winston Castelo

OBJECTIVES:

- To curb the ever-increasing problem of flooding in Metro Manila by harvesting rainwater instead of letting it flow to waterways
- To encourage the conservation of potable water
- To ensure the provision of adequate supply of clean water fit for domestic use and sanitation purposes
- To promote environmentalism by changing the way we build our communities, workplace, and places of leisure

KEY PROVISIONS:

- Mandates the establishment and maintenance of a rainwater harvesting facility in all new institutional, commercial, and residential development projects in Metro Manila;
- Mandates the Housing and Land Use Regulatory Board (HLURB) and local government units (LGUs) to disapprove the designs of the above-mentioned structures that do not incorporate a rainwater harvesting facility;
- Mandates LGUs to issue building permits to the above-mentioned construction projects only if the same incorporate a rainwater harvesting facility;
- Imposes a fine of not less than Five Hundred Thousand Pesos (Php500,000.00) but not more than Two Million Pesos (Php2,000,000.00) for every year of non-compliance by the developers and owners of the requirements in their building permit, and suspension from 10 days to maximum of 180 days on government officials, employees, and agents who issue licenses or permits to development projects that do not conform with the requirements in the law;
- Mandates the Department of Public Works and Highways, the Housing and Land Use Regulatory Board and the Department of Environment and Natural Resources to issue, within 90 days from approval of this Act, the rules and regulations to implement it.

RELATED LAWS

- Republic Act No. 6716 -- Rainwater Collection and Spring Development Act (17 March 1989)
- Presidential Decree No. 1096 -- National Building Code of the Philippines