

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

EIGHTEENTH CONGRESS
First Regular Session

House Bill No. 4114



Introduced by HON. HENRY R. VILLARICA
4TH DISTRICT, BULACAN

EXPLANATORY NOTE

It is imperative that the State provide a mechanism to facilitate the effective, efficient and comprehensive use of water resources by the people. Water is a finite resource required for different purposes. El niño and climate change affecting the availability of water supply for all must be addressed to prevent water shortages in some areas and extreme flooding in others. With this mechanism in place, these nagging issues can be effectively addressed since the Philippines is one of the countries that claim abundant water supply with its numerous water bodies able to provide an annual renewable water resource of about 146 billion cubic meters, 98% of which originates from surface, and only 28% is being utilized.

Presently, however, while the National Water Resources Board (NWRB) under Presidential Decree No. 424 as amended is mandated to manage water resources, control, supervise and regulate the utilization, exploitation, development and protection of water resources, it is ill-equipped to perform its functions. On policy and program coordination, the agency has difficulties in networking with all the agencies engaged in water-related programs. The NWRB's data on water resource assessment has never been updated since 1980. It does not have the capability on scientific modeling and computerized decision support systems that will aid decision makers and planners in the optimal management of water resources.

Many of the agencies sharing the discharge of common functions of water management may be complementary or sometimes conflict with the others with limited oversight and coordination. This may lead to a breakdown in the delivery of water, one of the many basic services by the government.

Other agencies that directly share the discharge of water resources management are: the Department of Environment and Natural Resources (DENR), through its line bureaus such as the Environmental Management Bureau for water quality monitoring; the Mines and Geosciences

Bureau for hydrogeology and geohazard mapping; specialized office such as the River Basin Control Office (RBCO) that plans for the development and management of the river basins; and the Laguna Lake Development Authority (LLDA) that takes charge of the regional water resources development and management of the Laguna Lake catchment area. The Department of Health, through the Environmental Occupation and Health Office (EOHO) is also involved in water management through drinking water, quality regulations and water management. Implementing agencies of government-owned and controlled corporations (GOCCs) and to a lesser extent by autonomous cooperatives and private entities in accordance with their own interests and responsibilities undertake water services for certain sectoral uses and purposes such as water supply and sanitation, irrigation, drainage, hydropower, flood control and environmental protection.

This proposed bill seeks to implement a clear, sustainable, more efficient and effective water resources development and management for the general welfare by establishing the National Water Resources Management Authority (NWRMA). This central water agency is clothed with ample powers and functions to integrate and coordinate national policies and plans to manage the water resources to provide a coherent policy environment conducive for the harmonious collaboration of departments and local government units involved in regulating various aspects of the water sector.

This bill was filed during the 17th Congress but due to time constraints no further action was taken on it. It is filed for the consideration of the 18th Congress.

Support for the enactment of this measure is earnestly requested.


REP. HENRY R. VILLARICA

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AN ACT
CREATING THE NATIONAL WATER RESOURCES MANAGEMENT AUTHORITY AND
APPROPRIATING FUNDS THEREFOR

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

SECTION 1. *Title.* – This Act shall be known as the “National Water Resources Management Authority Act”.

SEC. 2. *Declaration of Policy.* – The exploration, utilization, conservation, protection and development of all natural resources shall be under the full control and supervision of the State. Pursuant to this mandate, it shall manage, coordinate and integrate water resources development for the benefit and welfare of the general public.

SEC. 3. *The National Water Resources Management Authority.* – There is hereby created a body corporate to be known as the National Water Resources Management Authority (NWRMA) attached to the Office of the President. It shall manage, control and protect the water resources nationwide for domestic purposes, sanitation, irrigation, hydropower, fisheries, aquaculture, flood control, navigation and recreation, as well as enhancement and maintenance of water quality.

SEC. 4. *Composition.* – The NWRMA shall be composed of: 1.) the Governing Board; and 2.) the Executive Management Secretariat.

The Governing Board shall have a director general with the rank of department secretary who shall be appointed by the President. The director general shall be at least forty (40) years of

age, of proven probity and integrity, and a degree holder of any of the following fields: economics, business, public administration, engineering, management or their equivalent, and with at least ten (10) years relevant working experience preferably in the field of management or public administration.

The Governing Board shall be responsible for policy making, direction setting and high level integration to be chaired by the director general with members composed of Secretaries of the Department of Public Works and Highways (DPWH), Department of Environment and Natural Resources (DENR), Department of Energy (DOE), the National Economic and Development Authority (NEDA), Department of the Interior and Local Government (DILG), Department of Science and Technology (DOST) and the Department of Budget and Management (DBM), Department of Finance (DOF), and the Department of Justice (DOJ).

The Executive Management Secretariat shall be responsible for the regular operations of the NWRMA to be composed of three (3) deputy directors general for policy, planning and administration and operations. They shall be appointed by the Governing Board upon the recommendation of the director general.

They shall be at least thirty five (35) years of age at the time of their appointment with proven probity and integrity with a degree in economics, business, public administration, engineering, management or its equivalent. They must have career executive service eligibility.

SEC. 5. Powers and Functions of the NWRMA. – The following are the functions and responsibilities of the NWRMA:

- 1.) Planning and Policy – a.) develop and regularly update a comprehensive national water resources and land use plan; b.) formulate policies promoting integrated water resources management approach; c.) exercise oversight powers on all development plans and programs on water; and d.) develop general criteria and standards on project investigation, formulation, planning;
- 2.) Data Collection and Monitoring – a.) collect, regularly update, monitor and analyze water resources data including climatology, hydrologic and other water related data; b.) undertake hydrologic surveys and establish, operate and maintain observation station networks and a centralized water resources data center necessary for scientific studies; c.) collect/generate and make available real time raw water data as well as publish verified or validated water data in print or electronic form; and e.) conduct survey and appraisal studies of surface and ground water potentials;

- 3.) Scientific Studies and Decision Support: a.) develop and regularly update a computerized water resources management decision support system (DSS) that incorporates data management system, model base system and user friendly interfaces; b.) develop tools that will address various water resources development and management issues such as climate change, weather modification, drought and flood estimation and forecasting; and c.) conduct scientific studies and develop DSS for other offices under the Authority;
- 4.) Infrastructure and Program Development: a.) conduct planning, assessment and value engineering studies of water infrastructure projects and program development; b.) undertake survey, inventory and appraisal of water related infrastructure to assess their status, safety and integrity; c.) conduct special studies for planning and operations to improve existing structure and determine the need for new infrastructure such as water storage, retardation basins and sediment control;
- 5.) Strategic Development and Operations: a.) conduct special studies and development of operating strategies, procedures and protocols with accompanying computerized decision tools for major water facilities; b.) formulate and promulgate rules and regulations for the exploitation and optimum use of water resources including coherent water protocols and operation rules of all existing and future water infrastructure; and c.) develop real time data acquisition and decision support system for near time or real time operations of water infrastructures;
- 6.) Resource Regulation: a.) determine, grant and regulate water rights for the appropriate and optimal use of surface and ground water; b.) investigate violations of the water rights and the water code; c.) develop physical and market instruments based on availability, reliability and sustainability of various natural resources, rate of water production, including alternative sources; d.) adjudication of water use conflicts;
- 7.) Economic Regulation: a.) assume economic regulation for tariff setting and related functions of water supply, sanitation and sewerage service providers including LGU run systems, water cooperatives, small water service providers and others, excluding Water Districts, MWSS concessionaires, and service providers contracted by special zones for development; b.) assume economic regulation for irrigation, energy resource development (e.g. hydropower development) and other commercial use of water; and c.) exercise quasi-judicial and other related functions such as performance, monitoring, and enforcement of technical/customer service standards;

- 8.) Water Financing and Economics: a.) develop and update optimal water pricing and rentals considering various factors including but not limited to scarcity or opportunity cost, cost of water extraction/production, environmental cost of water extraction; and b.) conduct promote special studies and researches on water economics;
- 9.) Stakeholder Relations: a.) initiate and maintain public awareness, build capabilities for adequate and meaningful participation in water resources management; b.) conduct public consultations and discussions; c.) develop and disseminate materials and programs for IEC, as well as advocacy campaign; e.) conduct seminars and workshops involving with the LGUs and the general public on current water issues and problems; and f.) conduct capability building seminars; and
- 10.) River Basin Organization Development: a.) develop materials for capacity building and training on RBO development and conduct training and workshops for prospective river basins; b.) identify and define appropriate river basin boundaries based on surface water and ground water aquifer boundaries, including coastal zones of influence or where fresh water salt water interactions exist; c.) develop guidelines and facilitate the establishment of RBOs; d.) strengthen RBOs and monitor their activities; and e.) develop rules of partnership between RBOs and the LGUs.

SEC. 6. *Abolished Agencies/Subsumed Powers.* - The following government agencies/offices shall be abolished. Its powers and functions shall be subsumed and exercised by the NWRMA:

- A) The National Water Resources Board (NWRB) is hereby abolished and its powers, functions and responsibilities are hereby transferred to the NWRMA;
- b.) The River Basin Control Office (RBCO) of the Department of Environment and Natural Resources (DENR) and its river basin functions not belonging to the core functions of the RBCO of the (DENR);
- c.) The Bureau of Research and Standards (BRS) of the Department of Public Works and Highways (DPWH), specifically in water data collection and monitoring functions;
- d.) The Flood Control and Sabo Engineering Center (FCSEC) of the DPWH; and
- e.) The Flood Control Section of the Bureau of Design (BOD) of the DPWH, specifically the functions on the review of flood control design

All watershed-based organizations, Water Quality Monitoring Area Boards and other water-related organizations shall coordinate with the NWRMA at the river basin level.

SEC. 7. *Powers and Functions of the Director General.* – The director general shall be the overall coordinator of the policies, plans and programs of the NWRMA. As such he shall provide overall supervision and general direction over the management, control and protection of the water sources nationwide. He shall determine the structure and the staffing pattern and personnel complement of the NWRMA, subject to the approval of the Governing Board.

In addition, he shall have the following specific powers and responsibilities:

- a.) Direct and supervise the general administration of the NWRMA;
- b.) Act as ex-officio member of the NWRMA governing board;
- c.) Lead the Secretariat in preparing the agenda items for policy action by the NWRMA governing board;
- d.) Direct and manage the implementation and execution of policies, standards, rules and regulations formulated by the governing board;
- e.) Issue appointments of the NWRMA personnel;
- f.) Represent the NWRMA in contracts, awards, and the like;
- g.) Represent the Philippines in regional and international conferences and meetings pertinent to water resources management;
- h.) Establish and/or deactivate inter-agency and multi-stakeholder technical committees and working groups on water resources management;
- i.) Submit annual reports to the President of the Philippines and Congress through the Department of Public Works and Highways on the activities of the NWRMA;
- j.) Acquire jurisdiction, as he may deem proper, over the formal complaints under oath concerning the irregularities and anomalies relative to the exercise of the powers and functions of the NWRMA under Section 5 of this Act; and
- k.) Perform such other functions as may be prescribed by the NWRMA governing board and to implement the policies, rules and regulations set by the board.

SEC. 8. *Transfer and Inter-Agency coordination.* – The qualified staff and personnel of the National Water Resources Board (NWRB) and the Bureau of Research Standards (BRS) of the Department of Public Works and Highways (DPWH) shall be transferred to the NWRMA, subject to the provisions of R.A. No. 6656, otherwise known as the Government Reorganization Law.

SEC. 9 *Personnel.* – The Board shall provide for an organization and staff of officers and employees for the NWRMA upon the recommendation of the director general appoint and fix the remunerations and other emoluments: *Provided*, That the Board shall have exclusive and final authority to promote, transfer, assign and reassign officers of the NWRMA, any provision of

existing law, to the contrary, notwithstanding: *Provided, further*, That the director general may carry out removal of such officers and employees.

All positions in the NWRMA shall be governed by a compensation, position classification system and qualification standard approved by the director general with the concurrence of the Board based on a comprehensive job analysis and audit of actual duties and responsibilities. The compensation plan shall be comparable with that of the private sector and shall be subject to periodic review by the Board no more than once every two (2) years without prejudice to yearly merit reviews or increases based on productivity.

The officers and employees of the NWRMA including all members of the Board shall not engage directly or indirectly partisan activities or take part in any election, except to vote.

No officer or employee of the NWRMA subject to Civil Service laws and regulations shall be removed or suspended except for cause, as provided by law.

SEC. 10. *Prohibition against Holding any Other Office.* – The director general, the deputy directors general, officials and other employees of the NWRMA shall not hold any other office or employment except in an *ex-officio* capacity during their tenure. They shall not, during their tenure, directly or indirectly, practice any profession, participate in any business, or be financially interested in any contract with, or in any franchise, or special privilege granted by the NWRMA or national government or any subdivision, agency, or instrumentality thereof, including any government-owned and controlled corporation, or its subsidiary.

SEC. 11. *Quasi-Judicial Powers.* – The NWRMA shall be vested with quasi-judicial powers to enforce its administrative duties as provided for under Section 5 of this Act. It may conduct an investigation based on a written formal complaint under oath, which on its face indicates a reasonable ground that some irregularity or anomaly may have been committed, and for that purpose may subpoena witnesses, administer oaths and compel the production of books, documents and other evidences, *Provided*, That, the NWRMA may grant immunity from prosecution any person whose testimony or whose possession of documents or other evidence is necessary or convenient to determine the truth in any investigation conducted by it.

SEC. 12. *Disbursement of Funds.* – No money shall be paid out of the funds of the NWRMA, except in pursuance of the budget as formulated and approved by the Board.

SEC. 13. *Full Disclosure of Financial and Business Interests.* – Every member of the Board, the director general and the deputy directors general and their staff, shall, upon assumption of office, make full disclosure of their financial and business interests.

SEC. 14. *Appropriations.* – The amount necessary to carry out the implementation of this Act shall be included in the annual General Appropriations Act.

SEC. 15. *Implementing Rules and Regulations.* – The NWRMA, in coordination with the NWRB, the DPWH and the other concerned agencies shall promulgate the implementing rules and regulations to implement the provisions of this Act.

SEC. 16. *Repealing Clause.* – All laws, orders, rules and regulations, or portions thereof, inconsistent with this Act are hereby repealed or modified accordingly.

SEC. 17 . *Separability Clause.* – If any provisions of this Act or the application of such provision to any person or circumstances be declared unconstitutional, the remainder of this Act or the application of such provision to other person or circumstances shall not be affected by such declaration.

SEC. 18. *Effectivity.* – This Act shall take effect fifteen (15) days from the date of its publication in the Official Gazette or in two (2) newspapers of general circulation.

Approved,