



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



Eighteenth Congress
First Regular Session

5141
HOUSE BILL NO. _____

Introduced by
Honorable DAVID C. SUAREZ,
Honorable ANNA MARIE VILLARAZA-SUAREZ and
Honorable ALETA C. SUAREZ

EXPLANATORY NOTE

This legislative measure aims to rationalize the water, irrigation, sewage and sanitation resource management, including water rights, through the creation of Department of Water, Irrigation, Sewage, and Sanitation Resource Management.

In a World Bank Report published in 2016, entitled "High and Dry: Climate Change, Water and the Economy", their finding was that water scarcity, exacerbated by climate change, could hinder economic growth. Other key findings of the same study are as follows:

- Water scarcity, exacerbated by climate change, could cost some regions up to 6% of their GDP, spur migration, and spark conflict.
- The combined effects of growing populations, rising incomes, and expanding cities will see demand for water rising exponentially, while supply becomes more erratic and uncertain.
- Unless action is taken soon, water will become scarce in regions where it is currently abundant - such as Central Africa and East Asia - and scarcity will greatly worsen in regions where water is already in short supply - such as the Middle East and the Sahel in Africa. These regions could see their growth rates decline by as much as 6% of GDP by 2050 due to water-related impacts on agriculture, health, and incomes.
- Water insecurity could multiply the risk of conflict. Food price spikes caused by droughts can inflame latent conflicts and drive migration. Where economic growth is impacted by rainfall, episodes of droughts and floods have generated waves of migration and spikes in violence within countries.

- The negative impacts of climate change on water could be neutralized with better policy decisions, with some regions standing to improve their growth rates by up to 6% with better water resource management.
- Improved water stewardship pays high economic dividends. When governments respond to water shortages by boosting efficiency and allocating even 25% of water to more highly-valued uses, such as more efficient agricultural practices, losses decline dramatically and for some regions may even vanish.
- In the world's extremely dry regions, more far-reaching policies are needed to avoid inefficient water use. Stronger policies and reforms are needed to cope with deepening climate stresses.
- Policies and investments that can help lead countries to more water secure and climate-resilient economies include:
 - Better planning for water resource allocation
 - Adoption of incentives to increase water efficiency, and
 - Investments in infrastructure for more secure water supplies and availability.

The above-mentioned World Bank report is a stern reminder for our country's leaders that proper water resource management has an impact to our economy.

As an archipelago, the Philippines is abundant in water sources such as rivers, lakes, river basins and groundwater reservoirs which assure us of adequate supply for domestic, agricultural, and industrial purposes. However, seasonal variations are considerable and geographic distribution is biased, coupled by poor coordination or conflicts in the implementation of the national policies and plans on water, sewage, sanitation, and irrigation, often resulting in water shortages in highly populated as well as elevated or high-altitude areas.

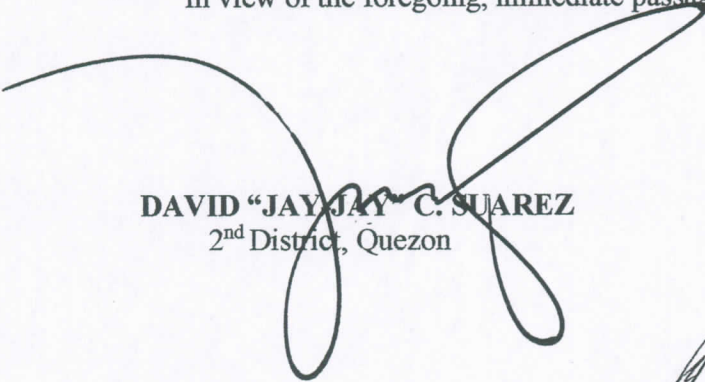
The government's responsibility to provide safe, clean, accessible and affordable drinking water, sanitation, and irrigation service to the public is of foremost importance. This is doable through a well-coordinated, effective, efficient and sustainable management of its water and sanitation resources.

Hence, there is an urgent need to create a Department of Water, Irrigation, Sewage, and Sanitation Resource Management, which shall have the following primary functions:


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

By rationalizing our water, sewage, and sanitation resource management imperatives into one Department, we will be able to better manage the entire cycle of our water – from sourcing to water treatment and sewage. Likewise, we will be able to achieve more sustainable water supply, and better overall management of our irrigation, sanitation, flood management, and sewage.

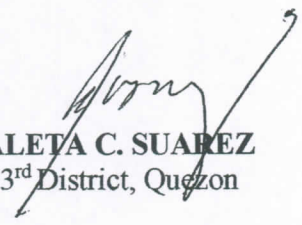
In view of the foregoing, immediate passage of this measure is earnestly sought.



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2nd District, Quezon



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

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

CHAPTER 1
GENERAL PROVISIONS

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

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

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

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

- b) To strengthen and coordinate water resource planning and policy-making to ensure sustainable and fair allocation and efficient use of water resources between competing water uses and users, including but not limited to domestic and municipal use, irrigation, power generation, farming, fisheries, commercial, and industrial use.

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

- a) *Department* refers to the Department of Water, Irrigation, Sewage, and Sanitation Resource Management.
- b) *Sanitation* refers to sewage, sanitation, and septage management.
- c) *Sewerage* refers to any system or network of sanitary pipelines, ditches, channels, or conduits including pumping stations, lift stations, and force mains, service connections including other constructions, devices, or appliances appurtenant thereof, which includes the collection, sanitary piping transport, pumping, and treatment of water-borne human or animal waste removed from residences, buildings, institutions, and industrial and commercial establishments to point of sewage treatment plant disposal.
- d) *Sewage* refers to water-carried waste in solution or suspension, including sanitary waste (waste products of normal living), commercial waste, industrial waste, agricultural waste, and surface runoff, conveyed by a sewerage system for treatment or disposal. For purposes of this Act, the definition of septage shall be included in the use of sewage.
- e) *Septage* refers to sludge produced on individual on-site wastewater disposal systems, principally septic tanks and cesspools.
- f) *Flood Control* refers to methods, acts and protocols to be observed in order to prevent and reduce the detrimental and catastrophic effects of flood waters.
- g) *Flood Risk Management* refers to such acts of defining and determining the appropriate methods, acts and protocols aimed at preventing and reducing the risk of incurring loss of both life and property due to flood waters. It also includes, but is not limited to, the implementation of precautionary measures, as well as the installation of infrastructures and the determination of post-flood clean-up activities in order to arrest the residual effects of flood waters;

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

CHAPTER II ORGANIZATION

SECTION 4. *The Department of Water, Irrigation, Sewage, and Sanitation Resource Management* — There is hereby created and established the Department of Water, Irrigation, Sewage, and Sanitation Resource Management, hereinafter referred to as the “Department”, which shall be organized within one hundred twenty (120) days after the effectivity of this Act. The Department shall be tasked with developing and implementing a comprehensive water, irrigation, sewage, and sanitation program for the Philippines including, but not limited to:

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

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

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

development of water resources, taking into its equitable distribution, and determine the standards of beneficial and priority uses of water in times of crisis and national emergencies;

- l) Assist and provide the National Economic and Development Authority (NEDA) with required data and inputs from and for the water sector in the formulation of the country's short-term and long-term strategic development plans and actions;
- m) Coordinate with other relevant government agencies and develop policies and plans in respect of water resources for farming, including sustainable mechanisms for irrigation;
- n) Pass upon, approve, or disapprove all plans, programs, or development projects of private individuals, corporations, and government agencies, whether national or local, that affect water resources, its diversion or abstraction, and the construction of hydraulic facilities, including but not limited to plans and projects in watershed or basin areas of water supply sources, which have direct or indirect impact on the affected locality's water resources;
- o) Review from time to time 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, 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, irrigation, sewer and sanitation users, whether directly or in coordination with other agencies, to assist them in applying for water and irrigation permits and providing data on water, irrigation, sewage, and sanitation resource usage;
- s) Plan, design, construct, and/or improve all types of irrigation projects and appurtenant structures;
- t) Operate, maintain, and administer all national irrigation systems (NIS);
- u) Supervise the operation, maintenance, and repair, or otherwise, administer temporarily all communal and pump irrigation systems constructed, improved, and/or repaired wholly or partially with government funds;
- v) Supervise the operation, maintenance, and repair, or otherwise, administer temporarily all communal and pump irrigation systems constructed, improved, and/or repaired wholly or partially with government funds;
- w) Delegate the partial or full management of NIS to duly organized cooperatives or associations;

- x) Construct multiple-purpose water resources projects designed primarily for irrigation, and secondarily for hydraulic power development and/or other uses such as flood control, drainage, land reclamation, domestic water supply, roads and highway construction, and reforestation, among others, Provided, that the plans, designs, and the construction thereof, shall be undertaken in coordination with the agencies concerned;
- y) Charge and collect from the beneficiaries of the water from all irrigation systems constructed by under its administration;
- z) In coordination with other relevant government 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, irrigation, sewage, and sanitation infrastructures;
 - aa) Coordinate with relevant government agencies, including the Department of Environment and Natural Resources, to ensure that the agencies' respective standards complement each other when taken as part of a larger whole;
 - bb) In coordination with other relevant agencies, ascertain that all plans and project implementation designs are consistent with current standards and guidelines;
 - cc) 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;
 - dd) Assist other government agencies, including LGUs, in determining the most suitable entity to undertake the actual construction of water, irrigation, sewage, and sanitation projects;
 - ee) Maintain and cause to be maintained all flood control, water resource development systems, irrigation 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;
 - ff) Provide integrated planning for flood control, flood risk management, and water resource development and management systems, other public works;
 - gg) Issue and promulgate rules, regulations, and guidelines as may be necessary to implement and enforce its powers and functions under this Act;
 - hh) 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;
 - ii) Respond to consumer complaints and ensure the adequate promotion of consumer interests;
 - jj) Deputize agents, whether from the public or private sector, to assist in the performance of any of the powers and functions of the Department;
 - kk) Appoint, hire, and maintain adequate staff and personnel, advisers, and/or consultants, with suitable qualifications and experience, as necessary;
 - ll) Manage funds coursed through it under General Appropriations Act intended as financial assistance to LWDs or LGUs for the development and/or improvement of water supply and sanitation facilities;
- mm) Exercise such other powers and functions necessary or incidental to the effective administration and management of the country's water, irrigation, sewage, and sanitation resources;
- nn) Exercise such other incidental powers and functions as may be necessary to attain the objectives of this Act; and
- oo) Carry such other functions as the President may from time to time assign to the

department consistent with the aims and provisions of this Act.

SECTION 6: *The following National Government Agencies (NGAs) and Government Owned and Controlled Corporations (GOCCs) with Water Resource Management (WRM) shall be absorbed by the Department:*

A. *Department of Environment and Natural Resources (DENR)*

1. *Mines and Geosciences Bureau (MGB)*
2. *National Water Resources Board (NWRB)*
3. *Environmental Management Bureau (EMB)*
4. *Pollution Adjudication Board (PAB)*
5. *Manila Bay Coordinating Office (MBCO)*
6. *Laguna Lake Development Authority (LLDA)*
7. *National Mapping and Resources Inventory Authority (NAMRIA)*
8. *Forest Management Bureau*
9. *River Basin Control Office (RBCO)*
10. *National Water Resources Board (NWRB)*
11. *Biodiversity Management Bureau (FMB)*

B. *Department of Science and Technology (DOST) –*

12. *Philippine Atmospheric, Geophysical and Astronomical Services Administration (PAGASA)*
13. *Philippine Council for Agricultural, Forestry and Natural Resources Research and Development (PCAFNRRD)*
14. *Philippine Council for Industry, Energy and Emerging Technology Research and Development (PCIEERD)*

C. *Department of Public Works and Highways (DPWH) –*

15. *Bureau of Research Standards (BRS)*
16. *Metropolitan Waterworks and Sewerage System (MWSS)*
17. *Local Water Utilities Administrator (LWUA)/ Water Districts (WDs)*
18. *Bureau of Design (BOD)*
19. *Bureau of Construction*
20. *Metropolitan Waterworks and Sewerage System (MWSS)*

21. *PMO-Small Water Impounding Projects (PMO-SWIM)*

22. *PMO-Major Flood Control Projects (PMO-MFCP)*

D. Department of Interior and Local Government (DILG)

23. *PMO – Water Supply and Sanitation Program*

24. *PMO on Water and Sanitation*

25. *Kapit-Bisig Laban sa Kahirapan – Comprehensive and Integrated Delivery of Social Services (KALAHI-CIDSS)*

E. Department of Agrarian Reform (DAR)

26. *Foreign Assisted Projects Office Support Services*

F. Local Government Units (LGUs) –

27. *Provincial Governments, City, Municipal and Barangay Governments*

G. Department of Health (DOH)

28. *Office of the Secretary*

29. *Disease Prevention and Control Bureau*

30. *Environmental- Related Diseases*

H. Office of the President (OP)

31. *Pasig River Rehabilitation Commission (PRRC)*

I. Department of Agriculture (DA)

32. *National Irrigation Administration (NIA)*

33. *Bureau of Soils and Water Management (BSWM)*

J. Department of Defense (DND)

34. *Office of Civil Defense (OCD)*

K. Department of Energy (DOE)

35. *National Power Corporation (NPC)*

36. *National Electrification Administration (NEA)*

L. Department of Tourism (DOT)

37. Tourism Infrastructure and Enterprise Zone Authority (TIEZA)

SECTION 7. *Attached Agencies.* – Agencies or corporations created by law shall be attached/incorporated to the new Department.

Agencies, offices, bureaus, and the like which are not created by law shall be absorbed by the new Department.

SECTION 8. *Absorption* – Official and employees of the merged agencies will be absorbed by the Department, pursuant to the provisions of RA 6656 (An Act to Protect the Security of Tenure of Civil Service Officers and Employees in the Implementation of Government Reorganization); Provided, that officers and employees who shall be separated from the service as a result of the abolition and reorganization shall receive retirement from the service as a result of the abolition and reorganization shall receive retirement and other benefits to which they are entitled under the existing laws.

SECTION 9. *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;
- c) Exercise supervision and control over all Bureaus and Offices under the Department;
- d) Supervise all attached agencies and corporations in accordance with law;
- e) 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
- f) Perform such other duties and responsibilities as may be provided by law.

SECTION 10. *Office of the Secretary* — The Office of the Secretary shall be composed of the Secretary and his immediate staff.

SECTION 11. *Undersecretaries.* — The Secretary shall be assisted by not more than five (5) Undersecretaries, who shall be appointed by the President upon the recommendation of the Secretary, as follows:

- a) One for the Finance Service;
- b) One for the Administrative Service;
- c) One for the Planning and Engineering Services;
- d) One for the Regulatory and Financial Assistance Services; and
- e) One for the Operations.

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

SECTION 12. *Assistant Secretaries.* — The Secretary shall also be assisted by one Assistant Secretary for Internal Audit and the five (5) Undersecretaries shall each be assisted by not more than three (3) Assistant Secretaries likewise appointed by the President of the Philippine upon the recommendation of the Secretary.

SECTION 13. *Organizational Structure.* - The Department shall be composed of the following organization units:

- a) Department Proper consisting of the Office of the Secretary, the Offices of the Undersecretaries and Assistant Secretaries, the Internal Audit, Finance Service, Administrative Service, Planning and Engineering Services, Regulatory and Financial Assistance Services; and Operations; and
- b) Regional Offices, as deemed appropriate and necessary by the Secretary.

SECTION 14. *Internal Audit.* — The Internal Audit is hereby created for the purpose of conducting comprehensive audit of various Department activities and shall have the following specific functions:

- a) Advise the Secretary on all matters relating to management control and operations audit;
- b) Conduct management and operations performance audit of Department activities and units and determine as to compliance with established objectives, policies, methods and procedures, government regulations, and contractual obligations of the Department;
- c) Review and appraise systems and procedures, organizational structure, assets management practices, accounting, and other records, reports, and performance standards of the Department of Proper and Regional Offices;
- d) Analyze and evaluate management deficiencies and assist top management to solve problems by recommending realistic courses of action; and
- e) Perform such other related duties and responsibilities as may be assigned or

delegated by the Secretary or as may be required by law.

SECTION 15. *Finance Service.* — The Finance Services is hereby created to provide the Department with coordinated services relating to financial systems and procedures, budget, cash, accounting, and all financial matters not falling under other services. For such purposes, it shall have the following functions:

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

SECTION 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, gender and development (GAD), security, property and procurement services. For such purposes, it shall have the following functions:

- a) Advise the Secretary on all matters relating to internal administration and human resources management;
- b) Prepare and implement an integrated personnel plan that shall include provisions on merit promotion, performance evaluation, job rotation, suggestions and incentive awards systems, and health and welfare services;
- c) Provide services related to human resource training, education, and development, including manpower, career planning and forecasting and development of indigenous training materials;
- d) Prepare and/or implement Department GAD plans and budgets and GAD accomplishment reports;
- e) 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;
- f) 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;
- g) Coordinate with the appropriate government agencies for a more efficient conduct of administrative processes;
- h) Develop, establish and maintain an efficient records system; i)
- i) Provide assistance in its area of specialization to the Department Proper and Regional Offices and, when requested, the government agencies and corporations attached to the Department; and

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

SECTION 17. *Planning and Engineering Services.* — The Planning and Engineering Services is hereby created to provide the Department with the capability to undertake infrastructure development planning, programming and implementation. For this purpose, it shall have the following functions:

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

SECTION 18. *Regulatory and Financial Assistance Services.* — The Regulatory and Financial Assistance Services is hereby created to provide the Department with services on all legal affairs, compliance of attached government corporations, LWDs, RWSAs, cooperatives, and other associations, including private entities under contractual or concession arrangement with them, and other private water service providers on the established standards, rules and regulations relating to: water quality; infrastructure and facilities design and construction; equipment, materials and supplies; operations and maintenance; personnel; organization; accounting; tariffs; and other matters subject to regulation. It shall also provide the Department services on the management of the financial assistance available and granted to LWDs and RWSAs. For this purpose, it shall have the following functions:

- a) Advise the Secretary on all matters relating to legal affairs and regulation of the operation of the attached corporations; LWDs RWSAs, cooperatives and other associations;
- b) Provide legal assistance to the Department Proper and Regional Offices and, when requested, the attached corporations and boards;
- c) Prepare Department contracts and legal instruments, review of administrative charges

- against officers and employees of the Department, members of the top management of the attached corporations and boards;
- d) Conduct administrative investigation as well as the review of administrative charges against officers and employees of the Department, members of the top management of the attached corporations and boards;
- e) Exercise functional jurisdiction over the legal staffs of Regional Offices;
- f) Establish standards for: water quality; design and construction of facilities; optimum selection of equipment, materials and supplies; procedures for operations and maintenance of water and sewer equipment and facilities; training of personnel; organization; uniform accounting system; tariffs;
- g) Review all water rates or charges;
- h) Manage the financial assistance available and granted to LWDs, RWSAs and other qualified water utilities.

SECTION 19. *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.

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

- a) Undertake and evaluate the planning, design, construction, and works supervision functions of the Department for the abovementioned infrastructure within the region;
- b) Undertake the maintenance of the abovementioned infrastructure within the region and supervise the maintenance of such local infrastructure receiving national government financial assistance as the Secretary may determine;
- c) Ensure the implementation of laws, policies, programs, rules and regulations regarding the abovementioned infrastructure as well as public and private physical structures;
- d) Provide technical assistance related to their functions to other agencies within the region;

- e) Coordinate with other departments, agencies, institutions, and organizations within the region, in the planning and implementation of infrastructure projects;
- f) Conduct continuing consultations with the local communicates, 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.

SECTION 21. *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.

SECTION 22. *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. oversees the development and continuous updating of water source 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 protocols and accompanying computerized decision tools for normal and emergency operations major water facilities;
- f. Formulate technical training programs for Department technical personnel, including the identification of appropriate local and foreign training programs, and recommend the selection of Department personnel for such programs;
- g. review and study for the purpose of recognizing new technologies, especially those utilizing indigenous resources, current national infrastructure development standards and procedures, and make appropriate recommendations thereon;

- h. Promote, publish, and disseminate technical publications;
- i. Provide technical assistance to the Department Proper, other Bureaus, Regional Offices, and other agencies on matters within its competence;
- j. Cooperate or coordinate with other established research, development, and engineering centers in areas of common or national interest; 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.

SECTION 23. *Bureau of Design.* – The Bureau of Design is hereby created to ascertain that all government infrastructure project implementation plans and designs are inconsistent with current standards and guidelines. For this purpose, it shall have the following duties and responsibilities:

- a. Conduct or initiate, supervise, and/or review the results of field surveys for flood control, water resource development systems, and other public work projects, including aerial, hydrologic, hydrographic, topographic, geotechnical and other investigations;
- b. Conduct or initiate, supervise, and/or review the preparation of schemes, designs, specifications, and estimates and tender and contract documents covering the architectural, structural, mechanical, electrical, and other technical design aspects of flood control, water resource development systems, and other projects of the Department or of other departments upon request or agreement and in accordance with current standards and guidelines;
- c. Provide technical assistance in the selection of firms or entities that shall undertake actual construction of public works projects via participation in the technical evaluation aspect of the bidding/awards process; and,
- d. Perform such other related duties and responsibilities as may be assigned or delegated by the Secretary or as may be required by law.

SECTION 24. *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 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.

SECTION 25. *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.

SECTION 26. *Regional Office.* – Regional Offices shall be responsible for flood control, water sources 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 law, 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 appropriated 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.

SECTION 27. *Regional Director.* - Each Regional Office shall be headed by a Regional Director who shall be responsible for efficiently and effectively carrying out the duties and responsibilities of the Regional Office. She/he shall also perform such other related duties and responsibilities as may be assigned or delegated by the Secretary or as may be required by law.

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

SECTION 28. *District Office.* - There shall be a District Office in each of the provinces and cities throughout the country to be headed by a District Engineer appointed by the Secretary. A province or city may, however, be divided into two (2) or more engineering districts, upon determination and issuance of an administrative order by the Secretary. The District office shall be responsible for all flood control, water resource development systems, and other public works within the district. For this purpose, it shall have the following duties and responsibilities:

a. Undertake and evaluate the planning, design, construction, and works supervision functions of the Department for the abovementioned infrastructure in the district;

b. Undertake the maintenance of the abovementioned infrastructure within the district and supervise the maintenance of local infrastructure receiving national government financial assistance as the Secretary may determine;

c. Coordinate with other departments, agencies, institutions, and organizations, especially local government units within the district in the planning and implementation of infrastructure projects;

d. Provide technical assistance to other agencies at the local level on public works planning, design, construction, maintenance, and other engineering matters including securing assistance from the Regional Office for, through the same office, assistance from the Department Proper or Bureaus;

e. Conduct continuing consultations with 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 Regional Office, and recommend such appropriate actions as may be necessary; 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.

SECTION 29. *District Engineer.* - The District Engineer of or within a province or city shall be accountable for the efficient and effective conduct of the duties and responsibilities of the District Office of which he is the head. Within his defined powers, he shall exercise functional and administrative supervision over district operations including the authority to recommend that field resources and personnel be committed to integrated district-wide development thrusts. He shall also perform such other related duties and responsibilities as may be assigned or delegated by the Secretary or as may be required by law.

CHAPTER III

TRANSITORY PROVISIONS

SECTION 30. *Interface with Other Sector Regulators.* — The Department is mandated to coordinate with the different sector regulators as follows:

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

SECTION 31. *Transfer of Rights and Obligations.* — The Department, shall by virtue of this Act, be subrogated to all the rights, and assume all the obligations of the relevant parts of any government agency or unit whose powers and duties have been transferred to the Department, as provided for in Section 6 of this Act.

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

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

SECTION 32. *Technical Working Group.* — a technical working group shall be formed within 60-day period following the dissolution of the agencies for the proper transition to the new Department.

SECTION 33. *Water Czar.* – A water czar shall be appointed by the President, who will be tasked to provide potent water supply to communities and who would oversee the distribution of available water assets in the country.

SECTION 34. *Dissolution.* –The TWG shall submit its final report and recommendations to the Department, as well as, to the House of Representatives, the Senate, and the Office of the President, on the status of the transition within six (6) months from the creation of the new Department.

SECTION 35. *Transition Period* – The transition or interim period for the establishment of the Department shall commence upon ratification this Act. Transition period shall end upon the dissolution of the merged agencies/bureaus. The period of transition herein defined shall be without prejudice to the initiation or continuation of other measures that may be required even beyond the term of the technical working group.

SECTION 36. *Continuity of Service* – To foreclose any interregnum in the bureaus or agency, the technical working group, shall continue to exist to wind up and caretake the administration of the merged bureaus/agencies until the Department is constituted.

SECTION 37. *Transition Plan.* – Within the first six (6) months of the transition period, a transition plan that shall contain the proposed organizational plan, as well as, the schedule for implementation therefor. The Department shall, by a majority vote of all its members, approve or otherwise act on the proposed transition plan within ten (10) days upon submission by the technical working group. If the plan is not acted within 60 days, the plan shall be deemed approved. It shall be implemented within fifteen (15) days from its approval.

SECTION 38. *Separation from Service.* - Employees separated from government service as a result of this Act shall be entitled to the benefits that they may receive under existing laws, rules, and regulations.

SECTION 39. *Retirement gratuity and benefits* – Personnel of the merged agencies who will not be absorbed into the new staffing pattern due to redundancy or failure to comply with the qualification standards; position being offered under the new staffing pattern but who decline such appointment due to diminution in rank, benefits and work conditions; position being offered under the new staffing pattern without any diminution in rank, benefits and work conditions but who decline such appointment, if qualified, shall be given the option to avail themselves of any of the following, whichever is beneficial to them:

a. Retirement gratuity provide under Republic Act No. 1616 (An Act Further Amending Section Twelve Of Commonwealth Act Numbered One Hundred Eighty-Six, As amended, By Prescribing Two Other Modes Of Retirement And For Other Purposes), as amended, payable by the last employer of the affected personnel, plus the refund of retirement premiums payable by the Government Service Insurance System (GSIS), without the incentive herein provided;

b. Retirement benefit under Republic Act No. 660 (An Act To Amend Commonwealth Act Numbered One Hundred and Eighty-Six, Entitled “An Act To Create And Establish A Government Service Insurance System, To Provide For Its Administration, And to Appropriate The Necessary Funds Therefore,” And To Provide Retirement Insurance And For Other Purposes) or applicable retirement, separation or unemployment benefit

provided under Republic Act No. 8291 (An Act Amending Presidential Decree No. 1146, As Amended, Expanding and Increasing The Coverage And Benefits Of The Government Service Insurance System, Instituting Reforms Therein And For Other Purposes) if qualified, plus the following applicable incentives:

1. ½ month of the present basic salary for every year of government service and a fraction thereof, for those who have rendered twenty (20) years of service; and
2. 1 month of the present basic salary for every year of the government service and a fraction thereof, computed starting from the 1st year, for those who have rendered twenty-one (21) to less than thirty-one (31) years of service; and
3. 1 month of the present basic salary for every year of government service and a fraction thereof, computed starting from the 1st year, for those who have rendered thirty-one (31) years of service and above.

In addition, the affected personnel shall be entitled to the refund of PAG-IBIG contributions, and the commutation of unused vacation and sick leave credits.

SECTION 40. *Signages, Letterheads and Contact Information.* – Upon the effectivity of the act, the merged agencies shall change their signages, letterheads, contact information, etc. into their new names as Department of Water, Irrigation, Sewage and Sanitation Resource Management or DWISSRM.

SECTION 41. *Appropriations.* — The appropriations shall be set aside from any available funds of the National Treasury, and is hereby appropriated and authorized to be released, for the organization of the Department and its initial operations.

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

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

SECTION 42. *Periodic Performance Evaluation.* – The Department is hereby required to formulate and enforce a system of measuring and evaluating periodically and objectively the performance of the Department and submit the same annually to the President.

SECTION 43. *Prohibition Against Change.* – No change in the organizational structure herein prescribed shall be valid, or illegal, the constitutionality, validity, or legality of the remainder of the provisions of this Act shall not be affected thereby.

CHAPTER IV FINAL PROVISIONS

SECTION 44. *Separability Clause.* - If any provisions or part hereof, is held invalid or unconstitutional, the remainder of the law or the provision not otherwise affected shall remain valid and subsisting.

SECTION 45. *Repealing Clause.* - Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule or regulation contrary to or inconsistent with the provision of this Act is hereby repealed, modified or amended accordingly.

SECTION 46. *Effectivity Clause.* - This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation with its Implementing Rules and Regulations promulgated by the MPPPC within sixty (60) days from the formal organization of the Council.

Approved.