

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 2391



Introduced by Representative Florida P. Robes

EXPLANATORY NOTE

This legislative proposal seeks to regulate the distribution of water supply for domestic consumption by setting the standards in the administration, management and distribution of water by water service providers in the country. This has been driven by the widespread water service inadequacies and the very expensive water rates, aggravated by an impending and looming water crisis throughout the world.

As reported out in the Water Forum sponsored by the Water Policy Reform Program-World Bank Institute in Netherlands on November 30, 1999; the use of water has increased over the past few decades while the availability of water is falling to crisis levels, further exacerbated by the rise in the costs of water infrastructure, deterioration of the quality of water in river and underground sources which have been polluted by waste and contaminants from cities, industry and agriculture, destruction of the ecosystems and the lack of safe water for over one billion people. Ismael Serageldin, former Chairperson of the World Commission on Water, added that more than one-half of the world's major rivers are being seriously depleted and polluted, degrading and poisoning the surrounding ecosystems, thus threatening the health and livelihood of people who depend upon them for irrigation, drinking and industrial water. Many years have passed since this forum but the problems still persist. Now, we are indeed at the verge of a water crisis.

Meanwhile, our country has committed to achieve the objectives of the recently concluded Millennium Development Goals, specifically on the provision of potable and safe water supply to the people. Despite policy statements expressing a commitment to universal access and affordability of water supply services, the goal of providing and delivering an adequate level of water service to large fractions of the resident population has failed tremendously. Many of the regions in the country remain practically "waterless" despite the fact that our country is abound with rich

water resources, including rainwater. The present legal framework on water supply management does not contain specific "pro-poor" provisions.

In regulating the water industry, the various challenges and constraints experienced by regulators, service providers and low-income households are very critical in the success of water reform policies. Legislative interventions, with special consideration and regards to the needs of poor and vulnerable members of the community must be institutionalized.

The overall policy objective of this proposal is to make water for domestic purposes readily available and affordable to the poor and marginalized. In order for it to be successful, government institutions must intervene, in partnership with service providers in both private and public sectors. This bill also provides alternative water resources in cases of water shortages during dry spells such as storing of rainwater for public consumption during rainy seasons. Seriously, there is an impending water crisis throughout the world. It is getting worse as days go by unless corrective action is taken by stakeholders and agency partners from the water industry, with the active involvement of the consuming public. With this measure, water crisis in the country can be thwarted. Hence, its approval is earnestly sought.



FLORIDA P. ROBES

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**AN ACT SETTING THE STANDARD FOR THE DISTRIBUTION AND
OPERATION OF WATER SUPPLY FOR DOMESTIC PURPOSES**

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

SECTION 1. Title. This Act shall be known as "Domestic Water Supply Act".

SEC. 2. Declaration of Policy. It is hereby a declared policy of the State to regulate the provision of potable water to communities by supporting the promotion of sustainable water services through financial and technical assistance in the execution of water supply projects and encouraging public and private partnership in the construction of water facilities by setting standards for the provision of water for domestic purposes. The right to safe drinking water is a universally recognized basic human right which is interwoven with the right to an adequate standard of living and inextricably related to the right to the highest standard of physical and mental health, as well as the right to life and human dignity.

Appropriate measures that will give full life to the implementation of the right to water must be reaffirmed by the State through continuous monitoring on the status of the right to safe drinking water on the basis of availability, acceptability, accessibility and affordability. The enactment and adoption of legislative measures to achieve progressively the full realization of the right to safe drinking water must be prioritized and existing policies, programs and activities in the sectors of water must be reassessed, re-examined and revised to make it consistent with human rights standards and privileges while the governance of water resources as well its distribution and use must be made transparent.

SEC. 3. Regulation of Water Rates and Tariffs. - Water rates and tariffs shall be regulated in accordance with the income of the consumers; provided it will not affect the efficiency of water delivery system. There shall be no and tariffs until

there is an improvement in the quality and efficiency of service. Areas where water pipes or sewerage systems pass through or where water source is located *shall* be entitled to at least 10% of the annual collection of the water to be allocated for subsidies for low-income water consumers.

SEC. 4. Government Intervention.- Whether water supply for domestic consumption is a public or a private enterprise, government and its instrumentalities must closely be involved in the effective and efficient utilization of water resources and their distribution for public consumption.

- a. The Chief Executive.** - The President of the Republic of the Philippines is vested with control of water resources on behalf and in trust for the Filipino people. As such, he has the sole authority to divert, dam, store, abstract or use water resources, construct or maintain works for the use of water resources. He may grant condonation of loans to local water districts which failed to settle their financial accountabilities from the Local Water Utilities Administration (LWUA), provided only the expenses incurred for the distribution of water for domestic consumption shall be condoned.
- b. The Local Water Utilities Administration.** As mandated by law to promote and oversee the development of water supply systems in cities and municipalities outside Metropolitan Manila and a primary lending source of local water districts, it shall also be responsible for the regulation, management and coordination of local policies in connection with water supply for domestic usage. It shall propose comprehensive plans for the utilization, conservation, development and improvement of local water resources to local water districts, as well as initiate, control and coordinate activities related to the development of water resources; monitor and evaluate programmes for the operation and maintenance of water resources in the country; and advise the government on issues that are likely to adversely affect water resources.

In coordination with the Department of Health (DOH) and the Department of Natural Resources (DENR), it shall act on an application for a water right by conducting public consultation to ascertain the people's views on the grant of a water right and by publishing the application in the Official Gazette and two newspapers of national circulation to allow anyone who has an interest or objection to the application to indicate and manifest the nature of their interest or objection. They can also suspend the water right previously granted if it interferes or alters the flow of water, or pollute water resources.

- c. The Department of Health.** Where DOH believes, based on a reliable study, that the use of a water resource by a local water district or a private water service provider or even private individuals poses a threat to public

health, it shall issue a notice ordering authorities to stop the use of the water resource and its distribution.

- d. The Department of Environment and Natural Resources.** As the government's arm tasked in the formulation, implementation and monitoring of policies on all aspects of the environment, DENR shall issue environmental permits and pollution abatement notices in order to control waste discharges and emissions and to prevent or reduce water pollution. It shall ensure that water service providers comply with environmental impact assessments of their development plans.
- e. Local Government Units.** Local Government Units (LGUs), with the supervision of the Department of the Interior and Local, shall promote productive activity and social development in their respective areas by removing all impediments to the construction of basic water infrastructures and providing municipal works and services required in the improvement and management of human settlements and the environment. They shall ensure that there is adequate and affordable supply of water. If necessary, provide water subsidy to the marginalized residents. At the barangay level, barangay officials must mobilize their respective constituencies in the initiation, implementation and monitoring of self-help water supply projects such as water pumps or rainwater catchments.

Sec. 5. Consumption of Water from Traditional Sources. With regard to the use of water from wells, streams, rivulets, lakes, and rivers, being a public domain, local government authorities of the area where the traditional water source is located shall ensure that it is conserved and its quality maintained by formulating policies which are not in contravention to customary or religious practices associated with that particular traditional water source. As there are serious health implications in fetching water from traditional water sources due to possible contamination with bacteria and virus causing water borne diseases, the local health and sanitation office shall examine the water coming from that source on a regular basis.

Digging of wells, whether in public or private land, shall be authorized by the local government authorities. Public wells are for the consumption of the communities where such wells are dug while owners of private wells are encouraged to share the resource at their own volition. If local health inspectors discover that the water from the wells are unfit for human consumption or has been contaminated, they shall restrain order to prevent people from collecting water from the said contaminated wells. After a careful study and investigation and the water will not be freed of contaminants, the local government authority shall order the destruction of the well for public safety.

Sec. 6. Regulation of Water Refilling Stations. Due to the

commodification of water which has added burden to the marginalized sector who cannot afford to buy distilled, purified or mineral water which purports to be safer than tap water, local government units, through the local health and sanitation offices and the regional offices of the Department of Trade and Industry, shall ensure that the water is safe to drink and the cost is affordable by regularly assessing the facilities and equipment's of water refilling stations and the pricing to safeguard the health and well-being of Consumers.

Sec. 7. Domestic Water Supply Governance Mechanism. Since irregular supply and shortages of water supply is frequent and prevalent in almost all locations in the country and people are forced to pay huge water bills, various strategies may be employed to deal with water supply interruptions but with limitations and restrictions such as water rationing, but the water is not usually potable; the installation of water tanks which is expensive; and rainwater storing which may pose dangerous health implications.

To avert these eventualities, local water districts, in coordination with LWUA and LGUs concerned, shall institute a mechanism that will ensure continuous water supply and issue regular advisories in cases of water interruptions, except if such interruption was not foreseen. Regular monitoring of pipes and sewerages shall be done conscientiously to ensure that water is safe for domestic consumption.

A prepaid water metering system shall be implemented to prevent discrimination against households whose income may not warrant the approval of an application for a water service line.

Rainwater harvesting shall be encouraged by instituting a centralized rainwater catchment systems in the different regions of the country, rather than having people store water in buckets and containers which are prone to insect infestation such as mosquitoes and flies. Same system can be adopted in order to prevent the overflowing of dams which cause tremendous flooding during rainy seasons.

Sec. 8. Prohibition on the Construction of Infrastructures near Water Resources. The construction of residential houses, public toilets, and other establishments within proximity of water resources, as well as dumping of wastes and garbage is hereby prohibited and violation of which shall be penalized in accordance with existing laws.

Sec. 9. Consumer Perception and Satisfaction. Local water districts or suppliers shall guarantee the satisfaction of its customers at all times by conducting regular surveys regarding the quality of service and management to enable them to improve on the operation of water delivery system.

Sec. 10. People's Participation. The community shall also do its

counterpart in the maintenance of the provision of water by participating in water supply programmes aimed towards the conservation and sustainability of water resources by reporting to local water districts any illegal water connection or water leakages immediately. The contribution of local communities to the success of water programmes shall never be under-estimated as they bring a wealth of knowledge about the local environment that can never be provided by an outsider.

Sec. 11. Water Policy Reforms. - Government institutions mandated to manage water resources shall effectively institute regulatory policies and mechanism to ensure that regulatory bodies and water industry actors act reasonably and do not abuse their powers. Public consensus on proposed water policy reforms shall be taken into consideration as reforms which do not have local support are unlikely to succeed. The problems of the poor and marginalized in the design of programs for water supply accessibility and affordability must be given special emphasis. Further, proper interaction between researchers and policy makers shall be encouraged in order to give impetus to the development of strategies in the enhancement of the delivery of water supply for domestic consumption. Policy makers are duty bound to clarify issues that are difficult to comprehend while researchers may develop models through which public policy can be assessed.

Sec. 12. Budgetary Allocation. The national government shall provide assistance to local governments in the construction of water service facilities and the improvement of the quality of service, including the maintenance and operation of local water districts, as well as include in the programs and services of government agencies mandated to protect and conserve natural resources and to alleviate the impoverished lives of the marginalized and low-income earners water projects.

Sec. 13. Implementing Rules and Regulations. The LWUA, in coordination with the DILG, DOH, DENR, association of local water districts, and other national agencies and private stakeholders to be determined by LWUA shall formulate the rules and regulations necessary to implement the provisions of this Act within six (6) months of its effectivity.

Sec. 14. Penal Provision. Any person, natural or juridical, who violates or fails to comply with any of the provision of this Act shall be punished with a fine of not less than One Hundred Thousand Pesos (P100, 000.00) and/or imprisonment of not less than six (6) months but not more than two (2) years, or both at the discretion of the court. If the offender is a public official, he/she shall, in addition to the penalties stated above, be dismissed from government service.

SEC. 15. Separability Clause. - If any provision of this Act is found to be unconstitutional, the remainder of this Act shall remain valid and subsisting.

SEC. 16. Repealing Clause. - All laws, decrees, executive orders, and rules and regulations inconsistent with this Act are hereby repealed or modified accordingly.

SEC. 17. Effectivity, - This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in any newspaper of general circulation.

Approved,