



HOUSE OF REPRESENTATIVES

H. No. 4340

BY REPRESENTATIVES CASTELO, BELMONTE (J.), FERNANDO,
CALIXTO-RUBIANO, TAMBUNTING, MALAPITAN, SANDOVAL,
HERRERA-DY, TUGNA, ERICE, QUIMBO, CRISOLOGO,
GONZALES (A.P.), GONZALES (A.D.), BATOCABE,
PRIMICIAS-AGABAS, DALIPE, ANTONIO, DE VENECIA AND
SUANSING (E.), PER COMMITTEE REPORT NO. 18

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

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

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

SEC. 2. *Declaration of Policy.* — It is declared a policy of the
State to protect and advance the right of the people to a balanced
and healthful ecology in accord with the rhythm and harmony of nature.
Pursuant thereto, the State shall mandate the establishment of rainwater
harvesting facilities to reduce flooding and relieve the metropolis of
the devastating effects of typhoons and other weather disturbances,
shall urge the conservation of potable water, and shall engage the
active participation of the public and private sector in the flood
mitigating efforts and initiatives of the government.

The State recognizes Metro Manila as one of the densest areas
in the country. To mitigate the adverse effects of a continuing growth
in population and widening community developments, the State shall
ensure that Metro Manila local governments are capacitated to respond
to threats wrought by natural calamities and disasters such as massive
flooding. Towards this end, the State shall mandate the construction of
rainwater harvesting facilities in all new public and private institutional,
commercial, and residential development projects in Metro Manila.

Pursuant thereto, Metro Manila shall pilot this undertaking for
other similar metropolitan areas by mandating owners and developers of
all new public and private institutional, commercial, and residential
development projects to design and construct a rainwater harvesting
facility to prevent or delay the release of rainwater and runoff water
into the public drainage systems, creeks, and natural waterways prior
to the issuance of building permit.

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

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

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

SEC. 4. *Rainwater Harvesting Facility Requirement.* — An owner or
developer of a new institutional, commercial, and residential development
project in Metro Manila, with an area of at least one thousand five
hundred (1,500) square meters and requiring the issuance of building

1 permit, shall reserve, develop, and maintain at least three percent (3%)
 2 of the total area, exclusive of roads, service streets and alleys, as a
 3 rainwater harvesting facility.

4 The owner or developer of an ongoing institutional, commercial,
 5 and residential development project in Metro Manila that has no
 6 existing provision for a rainwater harvesting facility shall build the
 7 facility within a period of three (3) years from the effectivity of this
 8 Act, or suffer the penalty imposed in Section 8 hereof.

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

12 SEC. 5. *Design Approval.* – The provision for a rainwater harvesting
 13 facility shall be required by the Housing and Land Use Regulatory
 14 Board (HLURB) and local government units (LGUs) to be incorporated
 15 in the design of all new institutional, commercial, and residential
 16 development projects in Metro Manila and no project design shall
 17 be approved for construction unless it includes such facility. The HLURB
 18 and the LGUs shall ensure that these facilities are built during the
 19 construction phase of the projects.

20 SEC. 6. *Design Requirements.* – The rainwater harvesting facility
 21 must be designed to cope with a predetermined flood and rain return
 22 period and must have a storage capacity prescribed by the Department
 23 of Public Works and Highways (DPWH). The design of the rainwater
 24 harvesting facility shall include the following:

- 25 (a) Size, shape, and physical characteristics of available space;
- 26 (b) Construction plans with specified material type including lining
- 27 and coating requirements; and

1 (c) Detailed drawing on how the installation will drain into an
 2 outfall structure such as drywell or percolation chamber, storm drain
 3 system, drainage channel, or natural wash.

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

9 SEC. 8. *Penalties.* – The owner or developer of all new institutional,
 10 commercial, and residential development projects in Metro Manila who
 11 fails to construct a rainwater harvesting facility in violation of Section 4
 12 of this Act shall suffer the penalty of a fine of not less than five hundred
 13 thousand pesos (P500,000.00), but not more than two million pesos
 14 (P2,000,000.00) for every year of noncompliance.

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

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

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

26 SEC. 9. *Implementing Rules and Regulations.* – Within sixty (60)
 27 days from the effectivity of this Act, the Secretary of Public Works
 28 and Highways shall, in coordination with the Secretary of the Interior
 29 and Local Government, the Chief Executive Officer of the HLURB,

1 and the Administrator of the Philippine Atmospheric, Geophysical and
2 Astronomical Services Administration, promulgate the rules and
3 regulations for the effective implementation of this Act. The implementing
4 rules and regulations shall include the standards and guidelines for
5 the design, construction, installation, materials, site selection and planning,
6 site-specific considerations, and maintenance of the rainwater harvesting
7 facility.

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

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

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

Approved,

O