

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

HOUSE OF REPRESENTATIVES	
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REGISTRATION UNIT BILLS AND INDEX SERVICE	

SEVENTEENTH CONGRESS
First Regular Session

House Bill No. 2457

Introduced by **REPRESENTATIVE ARTHUR C. YAP**

EXPLANATORY NOTE

As an archipelagic nation, the Philippines is blessed with an abundant source of water including rivers, lakes, river basins, and groundwater reservoirs. Groundwater resources are continuously recharged by rain and seepage from rivers and lakes. Theoretically, the freshwater storage capacity and the high rate of precipitation assure the country an adequate supply for its agricultural, industrial and domestic uses. However, seasonal variations are considerable and geographic distribution is biased, coupled by mismanagement on the part of both private public and regulators, often resulting in water shortages in highly populated areas, especially during the dry season.

The country's major water users are the agricultural sector, which accounts for 85.27 percent of the total water supply, the industrial sector which consumes 7.46% and lastly the domestic users which use the remaining 7.27 percent (PEM, 2003; 2004).

According to the '2005 Little Green Data Book' of the World Bank, one out of five Filipinos does not get water from formal sources. Only 77 percent of the rural population and 90 percent of those in urban areas have access to an improved water source and only 44 percent have direct house connections. Those without house connections access water from wells, springs, communal faucets, and/or from small-scale informal providers. Water supplied by all sources in the Philippines is considered unsafe for drinking without further treatment.

Most of the problems encountered in the country's water sector today arise from an issue of conflicts of use and water allocation. With the increase

in population coupled with worsening pollution of water, lack of infrastructure and facilities result in allocation issues and conflicting rights over limited water supply.

One of the most critical issues confronting the Philippine water sector is the lack of an appropriate institutional framework to address issues of development and management of water and related resources. At present, the National Water Resources Regulatory Board (NWRB) is responsible for policy formulation, administration and enforcement of the Water Code of the Philippines. But there are over 30 other agencies separately dealing mainly with each of the sectors of water supply, irrigation, hydropower, flood control, pollution, and watershed management. It is this fragmented approach to water management, which causes an overlap of work and conflicts among agencies and results in a fractional water management plan that does not adequately meet the requirements for long-term sustainability.

This bill seeks to rationalize the resource management of water, sewage and sanitation through the creation of the Department of Water, Sewage and Sanitation.

The Department shall have the following 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 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.

The country's water resources are under mounting stress because of rapid population growth, increasing demand for food production, urbanization, pollution, excessive and inefficient use of water, and climate change. Ensuring adequate availability of water in the future will require protecting the country's water sources through improvement of catchment areas and watershed protection, regular assessment and monitoring of consumption patterns and trends, and efficient allocation of existing water supplies. All of the latter need to be taken into account in the institutional decision-making framework.

To live in a community that is clean, free from human waste, and abundant with safe and affordable drinking water is an utmost human right. Through this bill, the Philippines is declaring its commitment to achieving the realization of universal access to water and sanitation and sustainable management of water resources as an indispensable basis for social and economic improvement of the country, and providing for the basic health requirements of the people.

For the foregoing reasons, the immediate consideration and passage of this bill is earnestly urged.



ARTHUR C. YAP
Representative

Republic of the Philippines
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House Bill No. 2457

Introduced by REPRESENTATIVE ARTHUR C. YAP

AN ACT
RATIONALIZING THE RESOURCE MANAGEMENT OF
THE WATER SECTOR, CREATING THE
DEPARTMENT OF WATER, SEWAGE, AND
SANITATION, AND FOR OTHER PURPOSES

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

1 **CHAPTER I**

2 **GENERAL PROVISIONS**

3 **SECTION 1. *Short Title.*** – This Act shall be known as the “Water
4 Resources Management Act of 2016.”

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

10 In pursuit of this Policy, this Act shall have the following objectives:

- 1 (a) To prioritize and seek the immediate attainment of universal access to
2 safe, adequate, affordable, and sustainable water supply and sanitation
3 services for all Filipinos, in particular the ignored populations such as
4 homeless and transient persons, and adopt all necessary measures
5 directed towards the realization of the human right to water and
6 sanitation;
- 7 (b) To encourage State participation in and information sharing and
8 education around best practices in the international movement to
9 achieve universal access to water and sanitation and the integration of
10 water, energy, environment, and food security;
- 11 (c) To strengthen and coordinate water resource planning and policy
12 making to ensure sustainable and fair allocation and efficient use of
13 water resources between competing water uses and users, including but
14 not limited to domestic and municipal use, irrigation, power generation,
15 farming, fisheries, commercial, and industrial use;
- 16 (d) To coordinate and strengthen policy and planning in relation to flood
17 control and flood risk management in order to plan against, prevent,
18 and reduce the detrimental and catastrophic effects of flood waters; and,
- 19 (e) To secure for all public works the highest efficiency and the most
20 appropriate quality in construction and to plan, design, construct, and
21 maintain infrastructure facilities in accordance with national
22 development objectives.

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

25 (a) *Department* refers to the Department of Water, Sewage, and Sanitation.

(b) *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.

(c) *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.

(d) *Sanitation* refers to sewage, sanitation, and septage management.

(e) *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 thereto, 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.

(f) *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.

(g) *Septage* refers to sludge produced on individual on-site wastewater disposal systems, principally septic tanks and cesspools.

(h) WRC refers to the Water Regulatory Commission or to any present or future water regulatory body with quasi-judicial powers and tasked to provide economic and administrative regulation of water utilities.

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

CHAPTER II

ORGANIZATION

SECTION. 4. *The Department of Water, Sewage, and Sanitation.* –

13 There is hereby created and established the Department of Water, Sewage,
14 and Sanitation, hereinafter referred to as the “Department,” which shall be
15 organized within one hundred twenty (120) days after the effectiveness of this
16 Act. The Department shall be tasked with developing and implementing a
17 comprehensive water, sewage, and sanitation program for the Philippines
18 including, but not limited to:

(a) implementing necessary policy and resource reforms with respect to the management of water, sewage, and sanitation;

(b) monitoring and evaluating compliance with the Social Contract of the President and the Millennium Development Goals as they relate to water, sewage, and sanitation;

(c) formulating a national updated road map to address the water, sewage, and sanitation requirements of the State; and

1 (d) improving conservation of water and increasing system efficiencies.

2 **SECTION. 5. Powers and Duties of the Department.** – The

3 Department shall have the following powers and duties, among others:

4 (a) Develop policies to promote universal access to safe, adequate,

5 affordable, and sustainable water supply, sewage, and sanitation

6 services for all Filipinos;

7 (b) Coordinate with the WRC and other relevant entities to provide policy

8 directions, strategies, and targets to meet the goals and objectives for

9 water supply, sewage, and sanitation. Such policies shall, among other

10 things, integrate the issues of water, sewer, energy, environment, and

11 food security;

12 (c) Manage and protect the country's water resources to ensure the optimal

13 use thereof for domestic water supply, sewage, sanitation, irrigation,

14 hydropower, navigation, flood control, and recreation, including the

15 enhancement and maintenance of water quality, conservation of

16 watersheds, control of water pollution, and environmental restoration,

17 without compromising the natural ecosystem functions and services;

18 (d) Manage the ownership, appropriation, utilization, exploitation,

19 development, conservation, and protection of water resources and

20 rights to land related thereto and their competing demands;

21 (e) Undertake and coordinate with other agencies and government entities

22 in data gathering, scientific research, and studies on water resources

23 management and development, and conduct nationwide hydrologic

24 surveys to determine the annual renewable water available per water

25 region;

- 1 (f)Formulate and enforce rules and regulations in the administration and
2 management of the country's water resources and implement rules and
3 guidelines for the enforcement of water-related laws;
- 4 (g)Conduct continuing surveys and studies of the country's renewable
5 water supply with a view towards formulating long-term policies to
6 balance the sustainability and optimal use of water resources, defining
7 the hydrologic boundaries of basins of the existing water supply
8 sources, and creating and implementing countrywide master plans for
9 water resources management and development;
- 10 (h)Coordinate with and assist other government agencies in all aspects of
11 data gathering, conduct studies and research, and classify and establish
12 water quality standards for surface and ground water, including
13 national standards for drinking water and wastewater effluence in
14 coordination with relevant agencies;
- 15 (i)Coordinate with other relevant agencies to engage in flood control and
16 flood risk management, formulate integrated water resources
17 management (IWRM) policies and plans, and coordinate the
18 implementation, promotion, revision, and enhancement of IWRM
19 plans;
- 20 (j)Effect and compel inter-sectoral, inter-agency, and inter-departmental
21 coordination on water, sewage, and sanitation resources development
22 planning with the aim of operationalizing the integrated approach to
23 water resources management;
- 24 (k)Regulate and control the utilization, exploitation, abstraction,
25 diversion, and development of water resources, taking into

1 consideration its equitable distribution, and determine the standards of
2 beneficial and priority uses of water in times of crisis and national
3 emergencies;

4 (l) Assist and provide the National Economic and Development Authority
5 (NEDA) with required data and inputs from and for the water sector in
6 the formulation of the country's short-term and long-term strategic
7 development plans and actions;

8 (m) Coordinate with other relevant agencies and develop policies and
9 plans in respect of water resources used for farming, including
10 sustainable mechanisms for irrigation;

11 (n) Pass upon, approve, or disapprove all plans, programs, or development
12 projects of private individuals, corporations, and government agencies,
13 whether national or local, that affect water resources, its diversion or
14 abstraction, and the construction of hydraulic facilities, including but
15 not limited to plans and projects in watershed or basin areas of water
16 supply sources, which have direct or indirect impact on the affected
17 locality's water resources;

18 (o) Review from time to time regulations prescribed by any government
19 agency pertaining to water use, exploitation, development,
20 conservation, or protection of waters, water resources, and watershed
21 or basin areas;

22 (p) Authorize its representatives or any deputized agent to enter any
23 property of public dominion or any private land, building, or enclave,
24 whether inhabited or not, for the purpose of conducting hydrologic
25 surveys and investigations, including assessing and evaluating the

1 conditions of water facilities installed and determining compliance
2 with water laws and standards;

3 (q)Require Local Government Units (LGUs) and national agencies to
4 submit zoning and land use management plans to ensure the integration
5 of water resource management plans; *Provided*, That no zoning and
6 land use plan shall become effective and enforceable unless and until
7 a certification of integration of water, sewage, and sanitation resource
8 management plan has been issued by the Department. Should the
9 Department have serious concerns affecting conservation and
10 sustainability of water supply, such concerns must first be resolved by
11 the Department and the concerned LGU and/or national agency.
12 However, in the absence of such concerns, the concerned LGU and/or
13 government agency may, within ninety (90) days from the submission
14 of its zoning and land use plan and after submitting to the Department
15 a written notice of compliance with this provision, proceed with the
16 implementation of its zoning and land use plan without prejudice to
17 later integration of the water resource management plan for the
18 locality;

19 (r)Provide technical assistance to water, sewer, and sanitation users
20 including, but not limited to, farmers and LGUs, whether directly or in
21 coordination with other agencies, to assist them in applying for water
22 permits and providing data on water, sewage, and sanitation resource
23 usage;

24 (s) Plan, design, construct, and maintain infrastructure facilities, flood
25 control, and water resource development systems and provide

1 technical services for the planning, design, construction, maintenance,
2 and/or operation of the same;

3 (t) In coordination with other relevant agencies, develop and implement
4 effective codes, standards, and reasonable guidelines to ensure the
5 safety of all public and private structures in the country and assure
6 efficiency and proper quality in the construction of water, sewage, and
7 sanitation infrastructure;

8 (u) Coordinate with relevant agencies, including the Department of
9 Environment and Natural Resources and the WRC, to ensure that the
10 agencies' respective standards complement each other when taken as
11 part of a larger whole;

12 (v) In coordination with other relevant agencies, ascertain that all plans
13 and project implementation designs are consistent with current
14 standards and guidelines;

15

16 (w) Provide the works supervision function for all public works
17 construction and ensure that actual construction is done in accordance
18 with approved government plans and specifications;

19 (x) Assist other agencies, including LGUs, in determining the most
20 suitable entity to undertake the actual construction of water, sewage,
21 and sanitation projects;

22 (y) Maintain or cause to be maintained all flood control, water resource
23 development systems, and other public works throughout the country
24 except those that are the responsibility of other agencies as directed by
25 the President of the Philippines or as provided by law;

(z) Provide integrated planning for flood control, flood risk management, and water resource development and management systems, and other public works;

(aa) Issue and promulgate rules, regulations, and guidelines as may be necessary to implement and enforce its powers and functions under this Act;

(bb) 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;

(cc) Respond to consumer complaints and ensure the adequate promotion of consumer interests;

(dd) Deputize agents, whether from the public or private sector, to assist in the performance of any of the powers and functions of the Department;

(ee) Appoint, hire, and maintain adequate staff and personnel, advisers, and/or consultants, with suitable qualifications and experience, as necessary;

(ff) Exercise such other powers and functions necessary or incidental to the effective administration and management of the country's water, sewer, and sanitation resources;

(gg) Exercise such other incidental powers and functions as may be necessary to attain the objectives of this Act; and

(hh) Carry out 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. 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;
 - (d) Exercise supervision and control over all Bureaus and Offices under the Department;
 - (e) Supervise all attached agencies and corporations in accordance with law;
 - (f) 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

1 (g) Perform such other duties and responsibilities as may be provided by

2 law.

3 No person shall be appointed Secretary unless he possesses extensive

4 knowledge of public administration and has a minimum of ten (10) years of

5 experience in the administration of water, sewage, or sanitation programs,

6 preferably in a public agency.

7 **SECTION. 7. *Office of the Secretary.*** – The Office of the Secretary

8 shall be composed of the Secretary and his immediate staff.

9 **SECTION. 8. *Undersecretaries.*** – The Secretary shall be assisted by

10 not more than five (5) Undersecretaries, including the Undersecretary for

11 Global and Holistic Planning noted below, who shall be appointed by the

12 President upon the recommendation of the Secretary. The Secretary is hereby

13 authorized to delineate and assign the respective functional areas of

14 responsibility of the Undersecretaries: *Provided*, That such responsibility

15 shall be with respect to the mandate and objectives of the Department; and

16 *Provided further*, That no Undersecretary shall be assigned primarily

17 administrative responsibilities. Within his functional area of responsibility, an

18 Undersecretary shall have the following functions:

19 (a) Advise and assist the Secretary in the formulation and implementation

20 of Department policies, plans, programs, and projects;

21 (b) Supervise all the operational activities of the units assigned to him, for

22 which he is responsible to the Secretary; and

23 (c) Perform such other duties and responsibilities as may be assigned or

24 delegated by the Secretary to promote efficiency and effectiveness in

25 the delivery of public services or as may be required by law.

1 The Undersecretary for Global and Holistic Planning shall have
2 primary responsibility, with the support of and in coordination with the
3 Planning Service, for participating in international dialogue to learn from and
4 contribute to, and for advancing domestic efforts in the pursuit of the ultimate
5 goal of universal access to water supply, sewerage, and sanitation systems and
6 sustainable management of water resources. He shall also have primary
7 responsibility for knowledge sharing and advancement of efforts around the
8 integration of water, energy, environment, and food security.

9 No person shall be appointed Undersecretary unless he possesses a
10 working knowledge of public administration and has a minimum of seven (7)
11 years of experience in the administration of water, sewage, or sanitation
12 programs, preferably in a public agency or with legal or financial knowledge
13 of such programs.

14 **SECTION. 9. *Assistant Secretaries.*** – The Secretary shall also be
15 assisted by six (6) Assistant Secretaries appointed by the President of the
16 Philippines upon the recommendation of the Secretary: one to be responsible
17 for the Internal Audit Services; one for the Monitoring and Information
18 Service; one for the Planning Service; one for the Comptrollership and
19 Financial Management Service; one for the Legal Service; and one for the
20 Administrative and Manpower Management Service.

21 No person shall be appointed Assistant Secretary unless he possesses a
22 working knowledge of public administration and has a minimum of five (5)
23 years of experience in the administration of water, sewage, or sanitation
24 programs, or other public works programs.

1 **SECTION. 10. *Organizational Structure.*** – The Department shall be

2 composed of the following organizational units:

- 3 (a) Department Proper consisting of the Office of the Secretary, the Offices
4 of the Undersecretaries and Assistant Secretaries, the Internal Audit
5 Service, Monitoring and Information Service, Planning Service,
6 Comptrollership and Financial Management Service, Legal Service,
7 and the Administrative Service;
- 8 (b) Bureau of Research and Standards, Bureau of Design, Bureau of
9 Construction, Bureau of Maintenance, and Bureau of Equipment; and
- 10 (c) Regional Offices, as deemed appropriate and necessary by the
11 Secretary.

12 **SECTION. 11. *Internal Audit Service.*** – The Internal Audit Service is

13 hereby created for the purpose of conducting comprehensive audit of various
14 Department activities. Specifically, it shall have the following functions:

- 15 (a) Advise the Secretary on all matters relating to management control and
16 operations audit;
- 17 (b) Conduct management and operations performance audit of Department
18 activities and units and determine as to the degree of compliance with
19 established objectives, policies, methods and procedures, government
20 regulations, and contractual obligations of the Department;
- 21 (c) Review and appraise systems and procedures, organizational structure,
22 assets management practices, accounting, and other records, reports,
23 and performance standards (such as budgets and standard costs) of the
24 Department Proper, Bureaus, and Regional Offices;

1 (d) Analyze and evaluate management deficiencies and assist top
2 management to solve problems by recommending realistic courses of
3 action; and

4 (e) Perform such other related duties and responsibilities as may be
5 assigned or delegated by the Secretary or as may be required by law.

6 **SECTION. 12. *Monitoring and Information Service.*** – The

7 Monitoring and Information Service is hereby created to provide the Secretary
8 timely reports on the status of various Department projects and activities and
9 develop and implement information programs for mass dissemination in
10 coordination with the appropriate government agencies. The Monitoring and
11 Information Service shall have the following functions:

12 (a) Advise the Secretary on all matters relating to monitoring and public
13 information;

14 (b) Develop and maintain a system for retrieving and processing
15 monitoring information on all projects and activities of concern to the
16 Secretary;

17 (c) Provide accurate and timely status and exception reports to the
18 Secretary;

19 (d) Generate monitoring reports for the President, the Cabinet, or for any
20 other purpose as required by the Secretary;

21 (e) Develop and supervise the implementation of communications
22 programs to have relevant policies, programs, and plans of the
23 Department understood by the public;

24 (f) Produce and supervise the dissemination of media materials in line with
25 national government public information programs;

1 (g)Coordinate with the appropriate national government agencies tasked
2 with public information affairs; and

3 (h)Perform such other related duties and responsibilities as may be
4 assigned or delegated by the Secretary or as may be required by law.

5 **SECTION. 13. *Planning Service.*** – The Planning Service is hereby
6 created to provide the Department with the capability to undertake
7 infrastructure development planning and programming. For this purpose, it
8 shall have the following functions:

9 (a)Advise the Secretary on all matters relating to infrastructure planning;

10 (b)Assist the Undersecretary for Global and Holistic Planning on all
11 matters related to the specific functions of his position detailed in
12 Section 8;

13 (c)Formulate strategies and priorities for infrastructure development
14 consistent with national development objectives and initiate or
15 undertake relevant surveys for development planning;

16 (d)Formulate long-range, medium-term, and annual development plans
17 and programs for infrastructure, including flood control, water resource
18 development systems, and other public works projects, including
19 phasing of implementation and review and integrate land use plans with
20 these water development plans;

21 (e)Identify priority packages for infrastructure development, including
22 flood control, water resource development systems, and other public
23 works projects, and undertake or supervise and evaluate the conduct of
24 feasibility studies and project preparation thereof;

- 1 (f) Prioritize project implementation and the allocation of funds and other
2 resources and package project proposals for funding and
3 implementation;
- 4 (g) Evaluate and appraise all regional interregional infrastructure
5 development plans and programs as to their feasibility and consistency
6 with approved strategies and long and medium-term plans;
- 7 (h) Initiate regular Department-wide planning exercises and act as the
8 secretariat thereof;
- 9 (i) Gather, analyze, and organize needed statistical data and information;
- 10 (j) Provide technical assistance related to its functions to the other
11 Services, Bureaus, and the Regional Offices as needed; and
- 12 (k) Perform such other related duties and responsibilities as may be
13 assigned or delegated by the Secretary or as may be required by law.

14 **SECTION. 14. *Comptrollership and Financial Management Service.***

15 – The Comptrollership and Financial Management Service is hereby created
16 to provide the Department with coordinated services relating to financial
17 systems and procedures, budget, cash, accounting, and all financial
18 housekeeping matters. For such purposes, it shall have the following
19 functions:

- 20 (a) Advise the Secretary on all matters relating to the accounting of
21 government expenditures and receipts, budgeting and cash
22 management, project finances, and financial systems and procedures;
- 23 (b) Prepare budget proposals and pursue formal budget authorizations,
24 undertake budget execution, and prepare and submit all appropriate
25 reports to the proper offices;

- 1 (c) Develop and maintain accounting, financial, and assets management
2 systems, procedures, and practices in the Department Proper, Bureaus,
3 and Regional Offices;
- 4 (d) Provide assistance in its area of specialization to any unit of the
5 Department and, when requested, to government corporations and
6 councils attached to the Department; and
- 7 (e) Perform such other related duties and responsibilities as may be
8 assigned or delegated by the Secretary or as may be required by law.

9 **SECTION. 15. *Legal Service.*** – The Legal Service is hereby created

10 to provide the Department with services on such legal affairs as contract
11 letting and litigation, legal and legislative research, complaints and
12 investigation, legal counseling, and other matters of law. For such purposes,
13 it shall have the following functions:

- 14 (a) Advise the Secretary on all matters relating to legal affairs;
- 15 (b) Prepare Department contracts and legal instruments, review and
16 interpret all contracts and agreements entered into by the Department,
17 and evaluate all legal proposals;
- 18 (c) Conduct administrative investigation as well as the review of
19 administrative charges against officers and employees of the
20 Department;
- 21 (d) Exercise functional jurisdiction over the legal staffs of Regional
22 Offices;
- 23 (e) Provide legal assistance to the Department Proper, the Bureaus, and
24 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. 16. *Administrative Service.* – The Administrative Service

4 is hereby created to provide the Department with services relating to human
5 resources development, personnel, records, facilities maintenance, medical
6 and dental, security, and property and procurement services. For such
7 purposes, it shall have the following functions:

(a) Advise the Secretary on all matters relating to internal administration and human resources management;

10 (b) Prepare and implement an integrated personnel plan that shall include
11 provisions on merit promotions, performance evaluation, job rotation,
12 suggestions and incentive awards systems, and health and welfare
13 services;

14 (c) Provide services related to human resources training, education, and
15 development, including manpower, career planning and forecasting,
16 and development of indigenous training materials;

17 (d) Develop, establish, and maintain an efficient and cost-effective
18 property procurement system and facilities and coordinate or otherwise
19 interface with relevant agencies, whether government or private, for the
20 purpose of developing or upgrading the system;

21 (e) Secure and maintain necessary Department facilities, and develop,
22 establish, and maintain an efficient and effective security system
23 covering, among others, personnel, physical installations, equipment,
24 documents, and materials, including the conduct of security
25 investigations;

- 1 (f) Coordinate with the appropriate government agencies for a more
2 efficient conduct of administrative processes;
- 3 (g) Develop, establish, and maintain an efficient records system;
- 4 (h) Provide assistance in its area of specialization to the Department
5 Proper, Bureaus, and Regional Offices and, when requested, the
6 government agencies and corporations attached to the Department; and,
- 7 (i) Perform such other related duties and responsibilities as may be
8 assigned or delegated by the Secretary or as may be required by law.

9 **SECTION. 17. *Bureau Head*.** – Each Bureau shall be headed by a

10 Bureau Director who shall be responsible for efficiently and effectively
11 carrying out the functions of the Bureau concerned.

12 **SECTION. 18. *Bureau of Research and Standards*.** – The Bureau of

13 Research and Standards is hereby created to develop and set effective
14 standards and reasonable guidelines to ensure the safety of all infrastructure
15 facilities in the country and to assure efficiency and proper quality in the
16 construction of government public works. In pursuit of this task, the Bureau
17 shall engage in research and development on all major areas pertinent to
18 infrastructure development. For such purposes, it shall have the following
19 functions:

20 (a) Study, on a continuing basis, and formulate and recommend guidelines,
21 standards, criteria, and systems for the survey and design, construction,
22 rehabilitation, maintenance, and improvement of all public works;

23 (b) Conduct or sponsor research on construction materials and formulate
24 and recommend policies, standards, and guidelines on materials and
25 quality control;

1 (c) Undertake or cause to be undertaken specialized technical studies to
2 advance the in-house technology of the Department and secure the most
3 complete information for project development and implementation
4 purposes;

5 (d) Oversee the development and continuous updating of water resource
6 management, computerized decision support systems that incorporates
7 data management system (acquisition and database), model base
8 (physical, design, planning and decision models), and user-friendly
9 interface (graphical and visualization tools);

10 (e) Handle infrastructure and program development including planning,
11 assessment, and value-engineering studies of water infrastructure
12 (structural) projects and program (non-structural) developments as well
13 as the strategic development of water facilities and operations which
14 shall cover special studies and development of operating strategies,
15 procedures, and protocols and accompanying computerized decision
16 tools for normal and emergency operations of major water facilities;

17 (f) Formulate technical training programs for Department technical
18 personnel, including the identification of appropriate local and foreign
19 training programs, and recommend the selection of Department
20 personnel for such programs;

21 (g) Review and study for the purpose of recognizing new technologies,
22 especially those utilizing indigenous resources, current national
23 infrastructure development standards and procedures, and make
24 appropriate recommendations thereon;

25 (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.

7 **SECTION. 19. Bureau of Design.** – The Bureau of Design is hereby
8 created to ascertain that all government infrastructure project implementation
9 plans and designs are consistent with current standards and guidelines. For
10 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 works 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. 20. Bureau of Construction.—The Bureau of Construction

4 is hereby created to provide technical services on construction works for
5 infrastructure projects and facilities. For this purpose, it shall have the
6 following duties and responsibilities:

(a) Formulate policies relating to construction management and contract

administration;

(b) Review and evaluate construction programs and estimates and tender

and contract documents;

(c) Inspect, check, and monitor construction and works supervision

activities of field implementing offices for the purpose of ensuring that

such activities are being conducted in accordance with the current

standards and guidelines of the Department:

(d) Provide specialist support to implementing field offices on construction

management and contract administration; 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 21. Bureau of Maintenance.—The Bureau of Maintenance

20 is hereby created to provide technical services on the maintenance and repair
21 of infrastructure projects and facilities. For this purpose, it shall have the
22 following duties and responsibilities:

(a) Formulate policies relating to maintenance of infrastructure projects

and facilities:

- (b) Review and evaluate maintenance programs, estimates, and tender and 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. 22. Bureau of Equipment. – The Bureau of Equipment is

12 hereby created to provide technical services on the management of
13 construction and maintenance equipment and ancillary facilities. For this
14 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. 23. *Regional Office.* — Regional Offices shall be responsible for flood control, water resource development systems, and other 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 laws, 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

1 information to the central office, and recommend such appropriate
2 actions as may be necessary; and

3 (g) Perform such other related duties and responsibilities as may be
4 assigned or delegated by the Secretary or as may be required by law.

5

6 The Department shall retain and have such Project Management
7 Offices as may be required, which shall be under the supervision and control
8 of the appropriate Regional Director, unless otherwise determined by the
9 Secretary for reasons of supra-regional scope, magnitude, and multi-
10 functional coverage.

11 **SECTION. 24. *Regional Director.*** – The Regional Office shall be

12 headed by a Regional Director who shall be responsible for efficiently and
13 effectively carrying out the duties and responsibilities of the Regional Office.

14 Towards this end he shall, within his defined powers, exercise functional and
15 administrative supervision over District Offices within the region including
16 the authority to commit their resources and personnel to integrated regional
17 water management and flood control and flood risk management initiatives.

18 He shall also perform such other related duties and responsibilities as may be
19 assigned or delegated by the Secretary or as may be required by law.

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

1 **SECTION. 25. *District Office.*** – There shall be a District Office in

2 each of the provinces and cities throughout the country to be headed by a

3 District Engineer appointed by the Secretary. A province or city may,

4 however, be divided into two (2) or more engineering districts, upon

5 determination and issuance of an administrative order by the Secretary. The

6 District Office shall be responsible for all flood control, water resource

7 development systems, and other public works within the district. For this

8 purpose, it shall have the following duties and responsibilities:

9 (a) Undertake and evaluate the planning, design, construction, and works

10 supervision functions of the Department for the abovementioned

11 infrastructure in the district;

12 (b) Undertake the maintenance of the abovementioned infrastructure

13 within the district and supervise the maintenance of local infrastructure

14 receiving national government financial assistance as the Secretary may

15 determine;

16 (c) Coordinate with other departments, agencies, institutions, and

17 organizations, especially local government units within the district in

18 the planning and implementation of infrastructure projects;

19 (d) Provide technical assistance to other agencies at the local level on

20 public works planning, design, construction, maintenance, and other

21 engineering matters including securing assistance from the Regional

22 Office or, through the same Office, assistance from the Department

23 Proper or Bureaus;

24 (e) Conduct continuing consultations with local communities, take

25 appropriate measures to make the services of the Department

1 responsive to the needs of the general public, compile and submit such
2 information to the Regional Office, and recommend such appropriate
3 actions as may be necessary; and

4 (f) Perform such other related duties and responsibilities as may be
5 assigned or delegated by the Secretary or as may be required by law.

6 **SECTION. 26. *District Engineer.*** – The District Engineer of or within

7 a province or city shall be accountable for the efficient and effective conduct
8 of the duties and responsibilities of the District Office of which he is the head.

9 Within his defined powers, he shall exercise functional and administrative
10 supervision over district operations including the authority to recommend that
11 field resources and personnel be committed to integrated district-wide
12 development thrusts. He shall also perform such other related duties and
13 responsibilities as may be assigned or delegated by the Secretary or as may be
14 required by law.

15 **CHAPTER III**

16 **TRANSITORY PROVISIONS**

17 **SECTION. 27. *Interface with Other Sector Regulators.*** –

18 (a) The Department of Environment and Natural Resources (DENR) shall
19 continue to have the primary authority and responsibility for protecting

20 the environment and for the conservation of water and related natural
21 resources, including protecting water bodies from waste and pollution,
22 and shall promulgate rules, regulations, and standards in this regard.

23 The Department shall coordinate with the DENR with respect to the
24 conservation of water resources, protection from sewage and septage
25 waste, and restoration from environmental 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 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 coordinate with the Department of Agriculture to ensure agricultural development that reduces sources of long term pollution for surface water and groundwater, and agricultural and industrial economic development through water recycling and treating wastewater.

(e) The Department shall closely coordinate with the WRC to ensure harmonious standards, knowledge sharing, and effective and efficient allocation of personnel and resources for the achievement of any similar or overlapping objectives. Nothing in this Act shall be read to detract from the powers and duties of the WRC.

SECTION 28. Transfer of Rights and Obligations. – The Department

24 shall, by virtue of this Act, be subrogated to all the rights, and assume all the
25 obligations of the relevant parts of any government agency or unit whose

1 powers and functions have been transferred to the Department, including the
2 Department of Public Works and Highways and the Metro Manila
3 Development Authority.

4 The transfer of powers and functions in Section 27 above, as applicable,
5 and agencies attached thereto, as herein provided for, shall take effect within
6 one hundred eighty (180) days after the effectivity of this Act. The foregoing
7 transfer of powers and functions shall include all applicable funds, personnel,
8 records, property, and equipment, as may be necessary. All offices shall
9 continue to function under their present mandates until transition is effected
10 as provided for under this Act.

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

15 **SECTION. 29. *Separation from Service.*** – Employees separated from
16 government service as a result of this Act shall be entitled to the benefits that
17 they may receive under existing laws, rules, and regulations.

18 **SECTION. 30. *Funding.*** – The sum of Five Billion Pesos
19 (P5,000,000,000.00) Pesos shall be set aside from any available funds of the
20 National Treasury, and is hereby appropriated and authorized to be released,
21 for the organization of the Department and its initial operations.

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

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

4 **SECTION. 31. *Periodic Performance Evaluation.*** – The Department
5 is hereby required to formulate and enforce a system of measuring and
6 evaluating periodically and objectively the performance of the Department
7 and submit the same annually to the President.

8 **SECTION. 32. *Prohibition Against Change.*** – No change in the
9 organizational structure herein prescribed shall be valid except upon prior
10 approval of the President for the purpose of promoting efficiency and
11 effectiveness in the delivery of public services.

12 **SECTION. 33. *Separability Clause.*** – In the event that any provision
13 of this Act is declared unconstitutional, invalid, or illegal, the
14 constitutionality, validity, or legality of the remainder of the provisions of this
15 Act shall not be affected thereby.

16 **SECTION. 34. *Repealing Clause.*** – All laws, presidential decrees,
17 letters of instructions, executive orders, rules, regulations, and other issuances
18 or parts thereof which are contrary to or inconsistent with the provisions of
19 this Act are hereby revoked, repealed, amended or modified accordingly.

20 **SECTION. 35. *Effectivity.*** – This Act shall take effect fifteen (15) days
21 following the completion of its publication in two (2) newspapers of general
22 circulation.

Approved.