

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

Eighteenth Congress
First Regular Session



HOUSE BILL NO. 2997

Introduced by **Representative JOEY SARTE SALCEDA**

**AN ACT
CREATING THE DEPARTMENT OF WATER, DEFINING ITS POWERS
AND FUNCTIONS, APPROPRIATING FUNDS THEREFOR,
AND FOR OTHER PURPOSES**

EXPLANATORY NOTE

About 65-90% of human body by mass is composed of water and without it, we are susceptible to diseases. This fact alone tells that access to clean and safe water is a basic human need, therefor making it a basic human right.

At present, it is unfortunate that clean and safe water still remains to be inaccessible to many Filipinos. Potable water is one of the defining factors that makes a person healthy, the same principle in livelihood, water is one of the things needed to make it certain that their source of income is properly nourished and sustained.

The Philippines as a largely agricultural country needs an irrigation system that is efficient and sufficient in supplying water to various crops to make a stable production, even in extreme and constantly changing weather conditions.

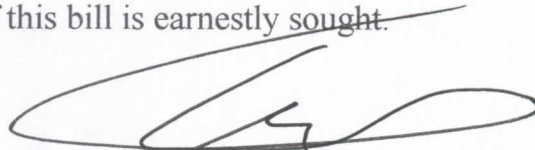
This bill proposes to rationalize the water resource management, including water rights by establishing the Department of Water in order to address these issues that many of the Filipino people still experience.

As we recognize the efforts of government programs, there are still various challenges in implementing existing national policies pertinent to concerns of access to safe water, sewage, sanitation, and irrigation that a creation of Department of Water can ultimately address.

This bill raises the discourse on the Philippine government's responsibility to provide accessible, clean, safe and affordable drinking water services to every Filipino

people with the best practices and is attainable through the establishment of the Department of Water.

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

A handwritten signature in black ink, consisting of a large, stylized 'J' followed by a series of loops and a final horizontal stroke.

JOEY SARTE SALCEDA

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

**CHAPTER I
GENERAL PROVISIONS**

SECTION 1. *Short Title.* – This Act shall be known as the “Department of Water Act”.

SEC. 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 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 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.

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

- (a) *Department* refers to the Department of Water.
- (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, 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.

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

SEC. 4. *The Department of Water.* – There is hereby created and established the Department of Water, 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 program for the Philippines including, but not limited to:

- (a) Implementing necessary policy and resource reforms with respect to the management of water;

- (b) Monitoring and evaluating compliance with the national goals relating to water;
- (c) Formulating an updated national road map to address the water requirements of the State; and
- (d) Improving conservation of water and increasing system efficiencies.

SEC. 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 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. Such policies shall among other things, integrate the issues of water, energy, environment, and food security;
- (c) Manage and protect the country's water resources to ensure the optimal use thereof for domestic water supply, 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 formulating 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, energy, environmental resources development planning with the aim of operationalizing the integrated approach to water resources management;
- (k) Regulate and control the utilization, exploitation, abstraction, diversion, and development of water resources, taking into account 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) 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;
- (n) 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;
- (o) 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;
- (p) 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 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;

- (q) Provide technical assistance to water users, whether directly or in coordination with other agencies, to assist them in applying for water permits and providing data on water resource usage;
- (r) Construct multiple-purpose water resources projects designed primarily 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;
- (s) 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 infrastructures;
- (t) 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;
- (u) In coordination with other relevant agencies, ascertain that all plans and project implementation designs are consistent with current standards and guidelines;
- (v) 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;
- (w) Assist other government agencies, including LCDs, in determining the most suitable entity to undertake the actual construction of water projects;

- (x) Maintain and cause to be maintained all flood control, water resource development 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;
- (y) Provide integrated planning for flood control, flood risk management, and water resource development and management systems, other public works;
- (z) Issue and promulgate rules, regulations, and guidelines as may be necessary to implement and enforce its powers and functions under this Act;
- (aa) 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;
- (bb) (ii) Respond to consumer complaints and ensure the adequate promotion of consumer interests;
- (cc) Deputize agents, whether from the public or private sector, to assist in the performance of any of the powers and functions of the Department;
- (dd) Appoint, hire, and maintain adequate staff and personnel, advisers, and/or consultants, with suitable qualifications and experience, as necessary;
- (ee) Manage funds coursed through it under the General Appropriations Act intended as financial assistance to LWDs or LGUs for the development and/or improvement of water supply and sanitation facilities;
- (ff) Exercise such other powers and functions necessary or incidental to the effective administration and management of the country's water 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.

SEC. 6. *Secretary of the Department of Water.* – 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, 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 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 the Secretary's direction; and
- (g) Perform such other duties and responsibilities as may be provided by law.

SEC. 7. *Office of the Secretary.* – The Office of the Secretary shall be composed of the Secretary and his/her immediate staff.

SEC. 8. *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:

- 1) One for the Finance Service;
- 2) One for the Administrative Service;
- 3) One for the Planning and Engineering Services;
- 4) One for the Regulatory and Financial Assistance Services; and
- 5) 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.

SEC. 9. *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 Philippines upon the recommendation of the Secretary.

SEC. 10. *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.

SEC. 11. *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.

SEC. 12. *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.

SEC. 13. *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) 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.

SEC. 14. *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;
 - (i) Provide technical assistance related to its functions to the other Services and Regional Offices as needed; 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.

SEC. 15. *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.

SEC. 16. *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, 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 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 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.

SEC. 17. *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.

CHAPTER III TRANSITORY PROVISIONS

SEC. 18. *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, regulations, 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 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.

SEC. 19. *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, including the DPWH, National Water Resources Board (NWRB), Metropolitan Waterworks and Sewerage System (MWSS), Local Water Utilities Administration (LWUA), Metro Manila Development Authority (MMDA), and the Department of Interior and Local Government (DILG).

The transfer of powers and functions in Section 18 above, as applicable, and agencies attached thereto, as herein provided for, 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 effected 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.

SEC. 20. *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.

SEC. 21. *Implementing Rules and Regulations.* – Within one hundred eighty (180) days from the effectivity of this Act, the Department, in consultation with the concerned government agencies, shall promulgate the necessary implementing rules and regulations for the implementation of this Act; Provided, That such revised implementing rules and regulations shall only take effect fifteen (15) days following its publication in two (2) newspapers of general circulation.

SEC. 22. *Appropriations.* – The amount necessary to carry out the initial implementation of this Act shall be sourced 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.

SEC. 23. *Repealing Clause.* – All laws, decrees, executive orders and proclamations, rules and regulations or parts thereof inconsistent with this Act, are hereby repealed, or amended or modified accordingly.

SEC. 24. *Separability Clause.* – If any provision of this Act is held invalid or unconstitutional, the remaining parts or provisions not affected shall remain in full force and effect.

SEC. 25. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved,