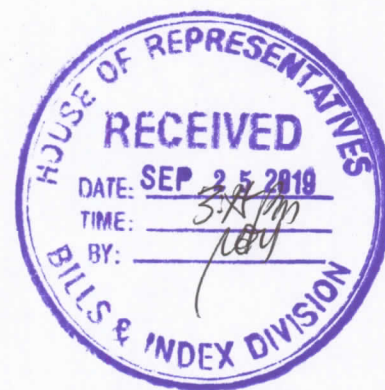


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Constitution Hills, Quezon City

EIGHTEENTH CONGRESS
First Regular Session

HOUSE BILL No. 4830



Introduced by RAM Party-list REPRESENTATIVE ALOYSIA T. LIM

EXPLANATORY NOTE

About seventy one percent (71%) of the earth's surface is covered with water. Our oceans hold 96.5% of it and the rest is found in rivers, lakes, glaciers, ice caps and aquifers. Freshwater is just 2.5% of the water found in our planet and only 1% is accessible. The rest is trapped in icefields or glaciers.

According to the 2019 World Water Development Report of the United Nations, 2 billion people live in countries with high water stress level and about 4 billion experience severe water scarcity at least one month in a year. The World Health Organization (WHO) reported that water scarcity affects four out of ten people in the world. World Vision stated that 800 children under the age of five die of diarrhea, every day, which is attributed to poor water and sanitation.

The Philippines is experiencing the brunt of water scarcity. About 9 million Filipinos rely on unimproved, unsafe and unsustainable water sources, according to a global non-profit organization, Water.Org. Earlier this year, 6.8 million Filipinos in and around Metro Manila experienced water supply interruptions which lasted from 12 hours to several days. This water crisis is not a one-time occurrence. It happened in the past and will likely to happen in the future. According to the National Water Resources Board, groundwater in Cebu, Bacolod, Iloilo, Davao, Cagayan de Oro, Zamboanga, Metro Manila, Baguio and Angeles are stressed, already.

Changes in demography caused by growth in population and rapid urbanization induce water stress and deplete the aquifers. The demands of agriculture and industries increase the competition for such limited resource. Additionally, pollution, watershed degradation, indiscriminate land use plan and climate change affect water quality and quantity.

It is, therefore, imperative that we need a sustainable, equitable, effective and efficient development and management of our limited water resource. Optimum use and conservation of water require prudent and responsible planning, development, management and distribution. These necessitate the establishment of an enabling environment like crafting of policies, plans and laws. Institutions must be created for participation, coordination, implementation, financing and management.

To quote from the World Water Vision Report, "There is a water crisis today. But the crisis is not about having too little water to satisfy our needs. It is a crisis of managing water so badly that billions of people - and the environment - suffer badly." As we always believe, water is life. If it is, then, it is everybody's business.

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



ALOYSIA T. LIM

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HOUSE BILL No. 4830

Introduced by RAM Party-list REPRESENTATIVE ALOYSIA T. LIM

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

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

Chapter I: GENERAL PROVISIONS

SECTION 1. *Short Title.* This Act shall be known as the “Department of Water Resources Act OF 2019.”

SECTION 2. *Declaration of Policy.* It is hereby declared the policy of the State to ensure the provision of safe, adequate, affordable and sustainable water supply and improved sanitation services, while maintaining the protection, preservation and revival of the quality of the country’s water resources and ecological balance.”

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

- a) *Department* refers to the Department of Water Resources
- 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 which include sediment-laden or turbid flows, hyper-concentrated flows or debris flows.
- c) *Flood Risk Management (FRM)* 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. Flood risk management consists of a cycle of prevention, mitigation, adaptation, preparedness and early warning, and, finally response and recovery. The elements of FRM include: integrating land-use planning, coastal zone management into water management; adopting a holistic approach so that FRM is part of wider risk or multi-hazard management (earthquake, landslides, storm surge, etc); managing risk and uncertainty as a whole so it is not only hydrological uncertainties but also social, economic and political uncertainties in view of the human behavior and cultural dimensions of FRM.

d) *Gender Equality* refers to the principle asserting the equality of men and women and their right to enjoy equal conditions realizing their full human potentials to contribute to and benefit from the results of development, and with the State recognizing that all human beings are free and equal in dignity and rights.

e) “Infrastructure and public works” as used in this Act should be read to apply only to wholly 33 or primarily water-related projects and shall not be read to incorporate projects which 34 would not otherwise fall within the purview of the objectives, power and duties of the 35 Department.

f) *IWRM* refers to the Integrated Water Resource Management or to a systematic, 38 collaborative and multi-stakeholder process, which promotes the coordinated 39 development and management of water, land and related resources within geophysical boundaries in order to maximize the resultant economic and social welfare in an equitable 1 manner and without compromising the sustainability of vital ecosystems.

g) *Levels of Water Supply Service* shall mean as follows:

Level I (*point source*) – a protected well or a developed spring with an outlet but without any distribution system, generally adaptable for rural and upland areas where the houses 6 are thinly scattered. A Level 1 facility usually serves an average of 15 households.

Level II (*communal faucet system or stand posts*) – a system composed of a water source, a reservoir, a piped distribution network, and communal faucets. Usually, one faucet serves 4 to 6 households. Generally suitable for rural and urban fringe areas where houses are clustered densely to justify a simple piped system.

Level III (*waterworks system or individual house connections*) – a system with a water source, a reservoir, a piped distribution network and household taps. This is generally suited for densely populated urban areas.

h) *LGU* refers to Local Government Unit or to the territorial and political subdivisions of the Philippines as defined under the 1987 Constitution of the Philippines, which includes provinces, cities, municipalities and barangays.

i) *NDRRMC* refers to the National Disaster Risk Reduction Management Council

j) *PDP* refers to the country’s medium-term development called the Philippine Development Plan.

k) *RBO* refers to multi-stakeholder River Basin Organization or to organizations which plan, coordinate and monitor activities within a river basin cluster.

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

- m) *Sediment management* refers to control of sediment erosion and deposition in rivers, reservoirs and coastal zones through non-structural and structural measures and control works.
- n) *SDG* refers to the United Nation's sustainable development goals.
- o) *Septage* refers to sludge produced on individual onsite wastewater disposal systems, principally septic tanks and cesspools.
- p) *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 purpose of this Act, the definition of septage shall be included in the use of sewage.
- q) *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.
- r) *Sewers* refer to pipes or such other works or structures which are built and constructed to treat, carry, transport and dispose sewage.
- s) *Social inclusion* refers to the process of improving the terms for disadvantaged individuals and groups to take part in society.
- t) *Tariffs* refer to such amounts which may be charged by licensees of water supply and/or sanitation services for their services based on principles, standards and guidelines established by the Department.
- u) *Water Demand Management* (WDM) refers to any method – whether technical, economic, administrative, financial, or social – that will accomplish one (or more) of the following things:
- (1) reduce the quantity or quality of water required to accomplish a specific task
 - (2) adjust the nature of the task or the way it is undertaken so that it can be accomplished with less water or with lower quality water
 - (3) reduce the loss in quantity or quality of water as it flows from source through use to disposal
 - (4) shift the timing of use from peak to off-peak periods
 - (5) increase the ability of the water system to continue to serve society during times when water is in short supply.

v) *Water Resources Regional Offices (WRROs)* - refer to the field office of the Department which are to be established in accordance with the identified water resources regions in the country.

w) *Water Service Providers (WSPs)* refer to the water districts, any LGU-run water utility, BWSA, RWSA, cooperatives and private sector who provides water supply services to any given area.

x) *Water supply service* refers to any activity comprising Levels I, II and III water supply 38 including bulk suppliers, suppliers to subdivisions and other water service providers.

Chapter II. ORGANIZATION

SECTION 4. *The Department of Water Resources.* – There is hereby created and established the Department of Water Resources, hereinafter referred to as the “Department,” which shall be organized within one hundred eighty (180) days after the effectivity of this Act. The Department shall have the organizational structure, powers and functions needed to perform its mandate as provided in this Chapter.

SECTION 5. *Mandate of the Department.* The Department shall be primary agency responsible for the comprehensive and integrated water resources development and management for the Philippines. It shall exercise such powers and functions needed to review, revise, harmonize and integrate policies and regulations for conservation of water resources and effective management of water supply, sanitation, irrigation, hydropower, flood control, stormwater/ urban drainage. The Department shall be guided by the integrated water resources management (IWRM) framework, take climate risks into account, and ensure sustainability of natural ecosystem functions and services. In managing water resources, the Department shall aim to improve water conservation and increase system efficiencies, and optimize the use of all freshwater in the country including groundwater, surface water, rainwater, run-offs, floods, stormwater and urban drainage, and treated wastewater to meet various needs.

SECTION 6. *Objectives of the Department.* Consistent with its mandate, the Department shall have the following objectives:

a) To prioritize and seek the immediate attainment of universal access to safe, adequate, affordable and sustainable water supply and improved sanitation services for all Filipinos in a manner consistent with the protection, preservation and revival of the quality of the country's water resources, and to adopt all needed measures to advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature;

b) To strengthen and coordinate integrated water resources management planning and policy making to ensure sustainable and fair allocation and efficient use of water resources among competing uses and users, including but not limited to, domestic and

municipal use, agriculture (irrigation, farming & fisheries), power generation, commercial, and industrial use;

c) To ensure that integrated water resources management is strongly coordinated with land use/cover, coastal zone and multi-hazard planning and management.

d) To ensure and oversee the implementation of the Water Code of the Philippines;

e) To promote State participation in information sharing and education around best practices in the international movement to achieve universal access to safe water and improved sanitation and the integration of water, energy, food security and environment;

f) To ensure that gender equality, social inclusion, climate resiliency and disaster risk reduction are integrated into any water resources management planning, policy making, and the design and construction of water infrastructure;

g) To strengthen and coordinate policy making and planning for flood management, integrated with stormwater/urban drainage and appropriate retention or retarding basins in order to plan against, prevent, and minimize the detrimental and catastrophic effects of flooding;

h) To encourage and enable private sector participation in the continued growth and development of water sector;

i) To promote and adopt water demand management as a national policy to ensure that water is optimized, that water efficiency and conservation become a way of life, that the recycling and reuse of water and treated wastewater are widely practiced, that water is properly priced to encourage efficient use and conservation and that rainwater, flood waters, and run-offs are captured/harvested, stored and treated for future use;

j) To ensure that the planning and design of water infrastructure considers the highest efficiency and most appropriate quality, in accordance with national development objectives; and

k) To ensure the effective implementation of all the provisions of RA 9275, known as the Clean Water Act of the Philippines.

SECTION 7. Powers and Duties of the Department. – The Department shall have the following powers and duties:

I. Policy-making and Planning:

a) Ensure that Integrated Water Resources Management is adopted as the strategic framework for water management policy-making and planning in the country and coordinate the implementation, promotion, revision and enhancement of IWRM plans;

- b) Provide policy direction, strategies, and targets in coordination with other relevant entities to meet the goals and objectives for water supply and sanitation, water quality, irrigation, hydropower, flood control, stormwater, and urban drainage. Such policies shall, among other things, integrate the issues of water and sanitation, food security, energy, environment and flood control;
- c) Formulate and develop policies to promote universal access to safe, adequate, affordable, and sustainable water supply, and improved sanitation services for all Filipinos;
- d) Formulate and promulgate rules and regulations for the development, and optimum utilization of water resources and its administration and management, including coherent water protocols and operation rules of all existing and future water infrastructure; and the imposition on fees or charges as may be deemed necessary by the Department for water resources development; 41 42
- e) Develop, in consultation with other agencies and stakeholders, the National Water Resources Management Master Plan following the IWRM framework and building on the 1998 Master Plan Study on Water Resources Management, the Philippine Water Supply and Sanitation Master Plan and existing plans of other agencies;
- f) Conduct continuing hydrologic surveys and studies of the country's renewable water supply, establish, operate and maintain observation station networks with a view towards formulating long-term policies to balance the sustainability and optimal multiple use of water resources, defining the hydrologic boundaries of basins of the existing water supply sources and developing or updating and implementing countrywide comprehensive basin-wide master plans;
- g) Establish, operate, and maintain a centralized water resources data center necessary for the scientific survey and appraisal of surface and ground water potentials of the country and determine the annual renewable water available per water resources region;
- h) Assist and provide the National Economic and Development Authority (NEDA) secretariat with required data and input from and for the water sector in the formulation of the country's short-term and long-term strategic development plans, and actions and recommend the adoption of general policies and guidelines for water resources development to the NEDA secretariat;
- i) Review and approve water resources development plans and programs of any agency within the context of the National Water Resource Management Master Plan and overall national plans and program;
- j) Regularly review regulations prescribed by any government agency pertaining to water use, exploitation, development, conservation or protection of waters, water resources, and watershed or basin areas;

k) Develop and implement in coordination with other relevant agencies, effective codes, standards, benchmarks, and reasonable guidelines to ensure the safety of all public, and private water structures in the country and assure efficiency and proper quality in the construction of water, sanitation, irrigation, hydropower, flood control and drainage infrastructure;

l) Review existing guidelines appropriate for Private Sector Participation in the water sector and make needed recommendations to the PPP Center, NEDA and other concerned agencies to promote and enable more PPPs in the sector;

m) Effect inter-sectoral, inter-agency, and inter-departmental coordination on all aspects of data gathering for water resources development planning and compel submissions of statistics and data on water management with the aim of operationalizing the integrated approach to water resources management;

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

II. Resource Regulation

a) Manage, protect, and preserve the country's water resources to ensure the optimal use thereof for domestic water supply, sanitation, irrigation, hydropower, navigation, flood control, and recreation, including the enhancement and maintenance of water quality, conservation of watershed, control of water pollution and environmental restoration, without compromising the natural ecosystem functions and services;

b) Regulate and control the utilization, abstraction, diversion and development of water resources, taking in consideration its equitable distribution among competing demands and determine the standards of beneficial and priority uses of water in times of crisis and national emergencies;

c) Determine, adjudicate, and grant water rights amending, for this purpose, Act No. 2152, and other laws relating to the appropriation and utilization of surface and groundwater;

d) Formulate and enforce rules and regulations for the development and optimum use of water resources and its administration and management, and implement rules and guidelines for the enforcement of water-related laws including coherent water protocols, operational rules of all existing and future water infrastructure and appropriate sanctions to be imposed for non-compliance;

III. Administration and Management:

a) Develop guidelines including rules of partnership among the Department, field offices of national government agencies, LGUs and other stakeholders, and facilitate the establishment of multi-stakeholder river basin organizations (RBOs) per river basin and strengthen and support existing RBOs and monitor their activities;

- b) Develop materials for capacity building and training on RBO development and conduct training and workshops for prospective river basins;
- c) 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;
- d) Provide technical assistance to water users including but not limited to farmers, communities, LGUs and other water service providers (WSP) whether directly or in coordination with other agencies on all aspects of integrated water resources management;
- e) Respond to consumer complaint/s, and ensure the adequate promotion of consumer interests;
- f) Deputize agents, whether from the public or private sector, to assist in the performance of any of the powers and functions of the Department;
- g) Appoint, hire and maintain adequate staff and personnel, advisers and/or consultants with suitable qualifications and experience, as necessary;

IV. Coordination

- a) Coordinate and integrate, on a sound and logical basis, water resources development activities of the country within the context of national plans and policies for social and economic development;
- b) Coordinate with other government agencies, universities and private professional groups for all aspects of data gathering, the conduct of special studies and research on all related aspects of water resources management and development such as climate change, environmental quality, desalination, and the development of operating strategies, procedures, and protocols with accompanying computerized decision tools for major water facilities;
- c) Coordinate with the concerned and relevant agencies engaged in flood control, flood risk management and drought risk management;
- d) Proactively coordinate with Local Government Units to ensure the integration of water resources development plans into their comprehensive land use plans (CLUPs), Comprehensive Development Plans (CDPs) or Provincial Physical Framework and Development Plan (PPFDP).

V. General or Others

- a) Exercise such other powers and functions necessary or incidental to the effective administration and management of the country's water resources; and,

- b) 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 8. *Secretary of the Department of Water Resources.* – 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 Resources, hereinafter referred to as the Secretary, who 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) Represent the Department in contracts, awards, and the like;
- g) As deemed appropriate by the Secretary, delegate authority for the performance of any power or function, as defined herein to officials and employees under his direction; and
- h) Perform such other duties and responsibilities as may be provided by law. No person shall be appointed Secretary unless he possesses extensive knowledge of public administration and has a minimum of ten (10) years experience in the administration of water, sanitation, irrigation, flood control and drainage programs preferably in a public agency.

SECTION 9. *Office of the Secretary.* – The Office of the Secretary shall be composed of the 24 Secretary and his immediate staff.

SECTION 10. *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. The Secretary is hereby authorized to delineate and assign the respective functional areas of responsibility of the Undersecretaries: Provided, that such responsibility shall be with respect to the mandate and objectives of the Department; and Provided further, that no Undersecretary shall be assigned primarily administrative responsibilities. Within 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 assigned units for which the Undersecretary 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.

One (1) of the Undersecretaries shall be the Undersecretary for Planning and Policy who should be a Career Officer and shall have primary responsibility, in coordination with the Planning and Policy Service, for advancing efforts in the pursuit of the ultimate goal of universal access to water supply and sanitation systems and sustainable management of water resources. The Undersecretary for Planning and Policy shall also have the primary responsibility for knowledge sharing and advancement of efforts around the integration of water, energy, environment and food security.

No person shall be appointed Undersecretary unless he possesses a working knowledge of public administration and has a minimum of seven (7) years of experience in the administration of water, sanitation, irrigation, flood control and stormwater drainage, preferably in a public agency or with legal, financial or financial knowledge of such programs; provided that only five (5) years of experience shall be required for the Undersecretary to be assigned for support services.

SECTION 11. *Assistant Secretaries.* – The Secretary shall be assisted six (6) Assistant Secretaries appointed by the President of the Philippines upon the recommendation of the Secretary: one to be responsible for Planning and Policy Service; one for Decision Support System Service; one for the Regulatory Service; one for the Comptrollership and Financial Management Service; one for the Legal and Legislative Service; and one for the Administrative and Human Resources Management Service.

No person shall be appointed Assistant Secretary unless he possesses a working knowledge of public administration and has a minimum of five (5) years of experience in the administration of water, sanitation, irrigation, flood control and stormwater drainage or other water resources management programs.

SECTION 12. *Organizational Structure.* – The Department shall be composed of the following organizational units:

- a) Department Proper consisting of the Office of the Secretary, the Offices of the Undersecretaries and Assistant Secretaries, the Internal Audit Office, the Public Affairs Office, the Pollution Adjudication Board, the Planning and Policy Service, Decision Support System Service, Administrative and Human Resources Service, Legal and Legislative Service, Comptrollership and Financial Management Service and Resource Regulation Service.
- b) The Attached Agencies, namely:

1) The Local Water Utilities Administration, whose mandate, powers and functions are defined in Presidential Decree No. 198, as amended and which will be transferred from DPWH and attached to the Department. It shall continue to be primarily a specialized lending institution for the promotion, development and financing of local water utilities. In the implementation of its functions, the Administration shall (a) prescribe minimum standards and regulations in order to assure acceptable standards of construction materials and supplies, maintenance, operation, personnel training, accounting and fiscal practices for local water utilities; (b) furnish technical assistance and personnel training programs for local water utilities; (c) monitor and evaluate local water standards; and (d) effect system integration, joint investment and operation, district annexation and de-annexation whenever economically warranted.(as amended by 2 Sec. 22, PD 768)

2) The Metropolitan Waterworks and Sewerage System (MWSS), whose mandates, powers and functions are defined by Republic Act No. 6324, as amended, and which will be transferred from the DPWH and attached to the Department. It will continue to facilitate the exercise by the concessionaires of its agency powers, carry out accounting and notification functions, monitor, report, and administer loans and perform related functions in connections with existing projects, manage and dispose its retained assets and manage and operate the Umiray-Angat Transbasin Project.

3) The National Irrigation Administration, whose mandate, power and functions are stated in Republic Act No. 3601, as amended and Presidential Decree No. 552, as amended and which will be transferred from the Office of the President and attached to the Department. It will:

- plan, design, construct, and/or improve all types of irrigation projects and 18 appurtenant structures;
- operate, maintain, and administer all national irrigation systems (NIS);
- supervise the operation, maintenance, and repair, or otherwise, administer;
- temporarily all communal and pump irrigation systems constructed, improved, and/or repaired wholly or partially with government funds;
- delegate the partial or full management of NIS to duly organized cooperatives or 24 associations;
- construct multiple-purpose water resources projects designed primarily for irrigation, and secondarily for hydraulic power development and/or other uses such as flood control, drainage, land reclamation, domestic water supply, roads and highway construction, and reforestation, among others, Provided, that the plans, designs, and

the construction thereof, shall be undertaken in coordination with the agencies concerned;

- charge and collect from the beneficiaries of the water from all irrigation systems constructed by or under its administration, such fees or administration charges as may be necessary to cover the cost of operation, maintenance, and insurance and recover the costs of construction within a reasonable period of time to the extent consistent with government policy; and

- recover funds or portions thereof expended for the construction and/or rehabilitation of communal irrigation systems (CIS) which shall accrue to a special fund for irrigation development.

4) The Laguna Lake Development Authority, whose mandate, powers and functions are laid out in Republic Act No. 4850, as amended which will be transferred from DENR 42 and attached to the Department. It will continue to serve as the lake management and 43 development authority similar to a multi-stakeholder river basin organization and will ensure the implementation of the Laguna Lake Master Plan which will be updated by the Department to ensure alignment with the National Master Plan for Water Management. Its regulatory powers will however be taken over by the Department.

5) The Pasig River Rehabilitation Commission, which was created by Executive Order 5 No. 54, series of 1999, as amended which will be transferred from the Office of the 6 President and attached to the Department. It will update the existing master plan to ensure consistency with the National Water Resources Management Master Plan, regulate easement, integrate and coordinate development programs, abate industrial wastewater and sewerage dumping and enforce environmental laws, relocate formal and informal settlers, undertake civil works such as dredging, clearing of structures, cleaning of the river and its tributaries/esteros, prepare regular Status Report to the President, coordinate with other national and local government agencies/units and formulate its own implementing rules and regulations.

6) Any other agency exercising water resources management, conservation and protection functions which the President may order to be transferred to the Department;

c) Water Resources Regional Offices, based on the 12 water resources regions of the country, as deemed appropriate and necessary by the Secretary.

SECTION 13. *Offices, functions and personnel to be completely subsumed by the 23 Department.*

The following offices with their powers, functions, personnel, applicable funds and appropriations, records, equipment and property are to be subsumed by the Department:

- a) The National Water Resources Board (NWRB) with all its divisions and sections, whose mandate, powers and functions are found in Presidential Decree No. 424, as amended;
- b) The River Basin Control Office (RBCO) of the DENR whose mandate, powers and functions are found in Executive Order No. 510 and Executive Order No. 816, as amended;
- c) The Manila Bay Coordinating Office (MBCO) of the DENR which was created by virtue of DENR Special Order 2011-01 to coordinate the efforts of the 14 national agencies covered by the Mandamus Order of the Supreme Court to rehabilitate Manila Bay;
- d) The flood management planning and sediment management function of the Flood Control Management Cluster of the DPWH; and
- e) The Water Quality Management Section of the EMB of the DENR.

SECTION 14. *Functions to be transferred to the Department.*

- a) The function of the Mines and Geosciences Bureau (MGB) of the DENR to conduct hydrological surveys;
- b) The monitoring of stream flow and other water data collection function of the Bureau of Design of the DPWH.

SECTION 15. *Planning and Policy Service.* – The Planning and Policy Service is hereby created to provide the Department with the capability to undertake water infrastructure development planning and programming. For this purpose, it shall have the following functions:

- a) Advise the Secretary on all matters relating to water resources planning;
- b) Assist the Undersecretary for Planning and Policy on all matters related to the specific functions of the position;
- c) Formulate strategies and priorities for water resources management and development consistent with national development objectives and initiate or undertake relevant surveys for development planning;
- d) Develop and regularly update a comprehensive and integrated National Water Resources Management Master Plan and ensure its integration into existing land use plans;
- e) Coordinate river-basin planning following the integrated water resources management framework and the river-basin approach;
- f) Formulate or update existing River Basin Master (or comprehensive) Plans which includes all aspects of water management and development such as water supply and sanitation, irrigation, flood control and stormwater/urban drainage, drought risk

management, water resource development systems and other public water works projects, including phasing of implementation;

g) Based on the river basin master plan, identify priority packages for water infrastructure development per river basin including water supply, sanitation, irrigation, flood control and stormwater/urban drainage, drought risk management, water resource development systems and other public works projects; package project proposals for funding and prioritize project implementation and the allocation of funds and other resources and undertake or supervise and evaluate the conduct of feasibility studies and project preparation thereof;

h) Evaluate and appraise all regional and inter-regional infrastructure water development plans and programs as to their feasibility and consistency with approved strategies and long and medium-term plans;

i) Initiate regular Department-wide planning exercises and act as the secretariat thereof;

j) Gather, analyze and organize needed statistical data and information;

k) Provide technical assistance related to its functions to the other Services, Bureaus and the Regional Offices as needed;

l) Conduct of hydrologic and hydraulic surveys and assessments of surface waters;

m) Develop general criteria and standards on project investigation, formulation, planning;

n) Develop guidelines and standards on social inclusion in water resources management and ensure policies, programs and plans are compliant with the gender and development framework of the government;

o) Closely coordinate with PAGASA for rainfall and other climate data which should be considered in the planning for water resources development and management and for various water infrastructure; and

p) 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. *Decision Support System Service.* – The Decision Support System Service is hereby created to provide the Department with water resource management tools and computerized decision support system that incorporates data management system (acquisition and database) and model base (physical, design, planning and decision models). Additionally, the services include services related to networking, data management, and information and knowledge/learning management systems for administrative and non-technical support for the department. The Service is also responsible for providing the Secretary timely reports on the status of various Department projects and activities. For this purpose, it shall have the following functions:

- a) Provide the Secretary needed data and processed information to aid in policy and management decisions under the mandate of the Department;
- b) Publish available real-time raw water data (through internet) as well as verified or validated water data (in print and/or electronic form through internet) in tabular and graphical displays as time series and/or spatial data;
- c) Conduct standard data analysis such as basic statistical analysis, trend analysis, analysis of runs, cluster analysis, etc. and also publish in print and/or electronic form;
- d) Develop and continuously update water resource management, computerized decision support system (DSS) that incorporates data management system (acquisition and database), model base (physical, design, planning and decision models), and user-friendly interface (graphical and visualization tools). This DSS is composed but not limited to: a measurement or data acquisition system; information or database management system; analytical and numerical models for design/planning and decision/evaluation purposes; and, finally, a user-friendly interface which includes graphical interface or visualization tools.
- e) The specific models to be developed and maintained should include but not limited to the following: long-term climatologic and weather forecasting model; watershed models and river-floodplain models; groundwater models and coupled to surface water models; flood forecasting model for major rivers; optimization-simulation and/or management models for watershed conservation, conjunctive surface and groundwater use, irrigation scheduling, normal and emergency operations of multipurpose reservoirs; and, water quality and ecological models.
- f) Develop and manage the management information system and knowledge systems of the Department including the retrieval and processing of monitoring information on all projects and activities of concern to the Secretary and the web portal and conduct systems and process engineering, software development, software configuration management; develop and manage the Department's corporate database, unified database for water industry, data warehouse, other water information resources, library services and document management and archiving services; develop and manage the Department's ICT infrastructure and provide ICT related- services to the Department including computer networking and voice communications services and data exchange; manage the literacy and training services of the Department on various ICTs, KM tools and applications including information and knowledge management.
- g) Perform such other related duties and responsibilities as may be assigned or delegated by the Secretary or as may be required by law.

SECTION 17. *Administrative and Human Resource Service.* – The Administrative and Human Resource Service is hereby created to provide the Department with services relating to human resources development, personnel, records, facilities maintenance, medical and dental,

security and 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 development plan that shall include provisions for merit promotions, performance evaluation, job rotation, suggestions and incentive awards systems, and health and welfare services;
- c) Provide services related to human resources training, education and development including manpower, career planning and forecasting, and development of indigenous training materials;
- d) 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;
- e) 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;
- f) Coordinate with the appropriate government agencies for a more efficient conduct of administrative processes;
- g) Develop, establish and maintain an efficient records system;
- h) Provide assistance in its area of specialization to the Department Proper, Bureaus and Regional and District Offices and, when requested, the government agencies and corporations attached to the Department; and
- i) Perform such other related duties and responsibilities as may be assigned or delegated by the Secretary or as may be required by law.

SECTION 18. *Legal and Legislative Service.* – The Legal and Legislative Service is hereby created to provide the Department with services on such legal affairs as contract letting and litigation, legal and legislative research, complaints and investigation, legal counselling and other matters of law. For such purposes, it shall have the following functions:

- a) Advise the Secretary on all matters relating to legal and legislative affairs;
- b) Prepare Department contracts and legal instruments, review and interpret all contracts and agreements entered into by the Department and evaluate all legal proposals;
- c) Conduct administrative investigation as well as the review of administrative charges against officers and employees of the Department;
- d) Exercise functional jurisdiction over the legal staffs of Regional Offices;

- e) Provide legal assistance to the Department Proper, the Bureaus and Regional Offices and when requested, the attached corporations;
- f) Develop and prepare the Department's Legislative Agenda, recommend presidential certification of the urgency of priority water bills, and other water-related legislations;
- g) Coordinate and maintain linkages among the various offices, bureaus, regional offices and attached agencies to the DWR along with other government agencies on policy matters affecting the Department's mandate in relation to legislation;
- h) Maintain effective liaison with the Congress and the Senate regarding legislative inquiries and enactment of water bills or other laws that will affect water into law;
- i) Monitor the progress of the Department's priority/certified bills to ensure their passage;
- j) Perform such other related duties and responsibilities as may be assigned or delegated by the Secretary or as may be required by law.

SECTION 19. *Comptrollership and Financial Management Service.* – The Comptrollership and Financial Management Service is hereby created to provide the Department with coordinated services relating to financial systems and procedures, budget, cash, accounting and all financial housekeeping matters. 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, Bureaus and Regional Offices;
- d) Review and appraise systems and procedures, organizational structure, assets management practices, accounting, and other records, reports, and performance standards such as budgets and standard costs of the Department, bureaus, and regional offices;
- e) Provide assistance in its area of specialization to any unit of the Department and, when requested, to government corporations and councils attached to the Department; and
- f) Perform such other related duties and responsibilities as may be assigned or delegated by the Secretary or as may be required by law.

SECTION 20. – *Resource Regulation Service.* The Resource Regulatory Service is hereby created to provide the Department with services on resource regulation of all water-related services and activities. For such purposes, it shall have the following functions:

- a) Advise the Secretary on all matters relating to resource regulations;

- b.) Determine, grant and regulate water rights for the appropriate, optimal and sustainable use of surface and ground water;
- c) Determine, evaluate and grant waterworks and sewerage franchises;
- d.) Investigate violations of the water rights and the Water Code and impose the appropriate sanctions in accordance with existing laws, rules and regulations as well as future rules and regulations which the Department will promulgate;
- e) Adjudicate water use conflicts; and
- f) Perform such other related duties and responsibilities as may be assigned or delegated by the Secretary or as may be required by the law.

SECTION 21. *Internal Audit Office.* – The Internal Audit Office is hereby created for the purpose of conducting comprehensive audit of various Department activities and will report directly to the Secretary. Specifically, it shall have the following 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 the degree of compliance with established objectives, policies, standards, 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, and performance standards (such as budgets and standard costs) of the Department Proper, Bureaus and Regional Offices;
- d) Analyze and evaluate management deficiencies and assist top management to solve problems by recommending realistic courses of action; and
- e) Perform such other related duties and responsibilities as may be assigned or delegated by the Secretary or as may be required by law.

SECTION 22. *Public Affairs Office.* - The Public Affairs Office is hereby created for the purpose of enhancing government relations with all stakeholders including the media. It shall ensure that women, men, older people and people with disabilities will be consulted, organized and can take active part in all aspects of water resources development and management activities. The office will also lead the planning and organizing of the special events of the Department. For such purposes, it shall have the following functions:

A. Public Awareness

- a) Advise the Secretary on matters pertaining to public affairs services;
- b) Develop and supervise the implementation of communications programs to have relevant policies, programs and plans of the Department understood by the public;

- c) Produce and supervise the dissemination of communication materials in line with the priorities of the Department and the national government public information programs;
- d) Conduct public opinion and attitude surveys to identify the interests and concerns of key groups served by the Department;
- e) Establish editorial policies on print and broadcast media;
- f) Establish and maintain linkages with the tri-media and presence in social media;
- g) Coordinate the conduct of interviews and news conferences;
- h) Act as spokesperson for the Department;
- i) Coordinate with various Department units, concerned government agencies, tri-media and other stakeholders on matters related to the above-enumerated functions;
- j) Coordinate with the appropriate national government agencies tasked with public information affairs;

B. Promoting Participation.

- a) Conduct public consultations and discussions;
- b) Develop and disseminate relevant and appropriate materials and programs for public information and education, as well as advocacy campaign;
- c) Conduct seminars and workshops involving the LGUs and the general public on current 22 water issues and problems;
- d) Conduct capability building seminars of various stakeholders to promote meaningful participation in the Department's policy making, planning, development and implementation of various programs and projects.

C. Special Events

- a) Coordinate the organization and promotion of special events and water exhibits;
- b) Act as the focal point for all water related events;
- c) 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. *Pollution Adjudication Board.* – There is hereby created a Pollution Adjudication Board under the Office of the Secretary. The Board shall be composed of the Secretary as Chairman, two (2) Undersecretaries as may be designated by the Secretary, the Director of Water Quality Management Bureau and three (3) other representatives from other

stakeholders to be designated by the Secretary as members. The Board shall assume the powers and functions of the Commission/Commissioners of the National Pollution Control Commission with respect to the adjudication of water pollution cases under Republic Act No. 3931, Presidential Decree 984, particularly with respect to Section 6 letters e, f, g, j, k and p of the P.D. 984 and RA 9275. The Bureau of Water Quality Management shall serve as the Secretariat of the Board. These powers and functions may be delegated to the field officers of the Department in accordance with rules and regulations to be promulgated by the Board.

SECTION 24. *Bureaus.* – Each Bureau shall be headed by a Bureau Director who shall be responsible for efficiently and effectively carrying out the functions of the Bureau concerned. The Bureau Director shall be assisted by one (1) Assistant Director.

SECTION 25. *Bureau of Flood Control and Drainage.* – The Bureau of Flood Control and Drainage is hereby created to plan and design flood control and drainage structures and facilities in accordance with technical standards, guidelines and manuals. For this purpose, it shall have the following duties and responsibilities:

- a) Formulate policy, strategies and programs on flood risk management in the context of integrated flood management (IFM) which integrates water, land, coastal zone and multi-hazard management. In integrating land-use planning and water management, the Department should harmonize and synthesize plans to enable the sharing of information between land-use planning and water management authorities. In integrating hazard management, a holistic approach should be adopted so that IFM should be part of a wider risk or multi-hazard management system (e.g., earthquake, landslides, fire, tsunami, etc.);
- b) Integrate climate change and disaster risk reduction and management in policies and plans;
- c) Prepare master plans of flood management and drainage in river basins in coordination with the concerned water resources region and river basin organizations;
- d) Prepare master plans of urban drainage in cities/municipalities;
- e) Prepare feasibility studies of recommended measures in the master plans;
- f) Plan and design structural measures for flood control and drainage;
- g) Implement and/or collaborate with concerned agencies on the non-structural measures;
- h) Patrol and investigate rivers including the monitoring of stream flows;
- i) Conduct post-disaster investigation and evaluation and damage assessment of flood infrastructures after extreme events;
- j) Conduct research and development on water and sediment-related disasters;
- k) Develop design guidelines, criteria and standards on flood control and drainage structures;

- l) Provide technical assistance to other agencies, LGUs and other stakeholders;
- m) Advise the Secretary on declaring flood control areas and recommend guidelines for flood plain management plans in these areas in coordination with the proposed Department of Disaster Resiliency; and
- n) Perform such other related duties and responsibilities as may be assigned or delegated by the Secretary or as may be required by law.

SECTION 26. *Bureau of Water Quality Management.* – The Bureau of Water Quality Management is hereby created to supervise and control over all aspects of water quality management to ensure the sustainability of the country's water resources and the protection of the environment. It should take into account proper and integrated treatment of freshwater and wastewater within the whole process. For this purpose, it shall have the following duties and responsibilities:

- a) Establish water quality guidelines for freshwater and coastal/marine waters as basis for classifying water bodies in the country. Specifically, develop water quality indices or composite metrics to measure of the quality status and health of natural water bodies in relation to ecological integrity and function.
- b) Establish effluent standards for point sources of pollution;
- c) Establish internationally accepted procedures for sampling and analysis;
- d) Prepare an integrated water quality management framework;
- e) Prepare 10-year water quality management plans for each water quality management area as part of the River Basin Master Plans and in support of the National Water Resources Management Master Plan;
- f) Classify groundwater sources and prepare a national groundwater vulnerability map;
- g) Classify or reclassify all water bodies according to their beneficial usages using the established water quality guidelines established;
- h) Issue permits, clearances and similar instruments pursuant to the Clean Water Act of 2004;
- i) Collect the wastewater discharge (EUF) fees for all permittees;
- j) Monitor the compliance of water discharge permittees with the effluent standards;
- k) Regularly monitor the water quality of major water bodies in the country and analyze the data to identify possible sources of pollution;
- l) Issue notices of violations and/or cease and desist orders for those found in violation;
- m) File the needed cases against violators with the Pollution Adjudication Board;

- n) Serve as secretariat of the PAB; and
- o) Perform such other related duties and responsibilities as may be assigned or delegated by the Secretary or as may be required by law.

SECTION 27. *Water Resources Regional Offices.* – The Water Resources Regional Offices, organized per water resources region shall be responsible for implementing the mandates, powers and duties of the Department at the field level, except for policymaking which will be vested solely with the Central Office. The master planning for the nearby river basins (e.g. Pasig-Marikina-Laguna Lake-Cavite) will likewise be the responsibility of the Central Office. For this purpose, the duties and responsibilities of the WRRO shall be as follows:

- a) Formulate or update and coordinate the river basin master plans for river basins within its jurisdictions ensuring consistency with the National Water Resources Management Master Plan;
- b) Advocate and strongly support the creation and functioning of multi-stakeholder River Basin Organizations (RBOs) and serve as the secretariat of the said RBOs;
- c) Undertake and evaluate the planning, design, and work supervision functions of the Department for the water infrastructures within the region;
- d) Ensure the implementation of laws, policies, programs, rules and regulations regarding the abovementioned infrastructure as well as public and private physical structures;
- e) Provide technical assistance related to the water-related functions of other agencies within the region especially the local government;
- f) Coordinate with other departments, agencies, institutions and organizations, especially local government units within the region in the planning and implementation of the river basin master plans;
- g) Conduct continuing consultations with the local communities, take appropriate measures to make the services of the Department responsive to the Central Office and recommend such appropriate actions as may be necessary; and
- h) Perform such other related duties and responsibilities as may be assigned or delegated by the Secretary or as may be required by law.

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

SECTION 28. *Water Resources Regional Director.* – The Water Resources Regional Offices shall be headed by a Water Resources Regional Director who shall be responsible for efficiently and effectively carrying out the duties and responsibilities of the Office. Towards this end, the Water Resources Regional Director shall, within his/her defined powers exercise functional and administrative supervision over all units within the region including the

authority to commit their resources and personnel to integrated regional water resources management, water supply and sanitation management, and flood control and flood risk management initiatives. The Water Resources Regional Director 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 Water Resources Regional Director shall be assisted by two (2) Assistant Water Resources Regional Office Directors who shall exercise supervision respectively over (1) the planning, project design and evaluation function and (2) technical assistance to River Basin Organizations within the water resources region.

CHAPTER 3 – TRANSITORY PROVISIONS

SECTION 29. *Interface with Other Agencies.*

- (1) The Department of Health (DOH) shall continue to have primary authority and responsibility for setting and enforcing drinking water quality standards. The Department shall coordinate with the DOH in this regard and shall ensure consistency of standards and targets which it will set for compliance of permittees with the DOH's mandated standards;
- (2) The Department of Environment and Natural Resources (DENR) shall continue to have primary authority and responsibility for protecting the environment and managing the country's watersheds;
- (3) The Department of Energy and the National Power Corporation (NPC) shall continue to have primary authority and responsibility for setting up and running hydropower plants but will ensure that any hydropower plant development plans are consistent with the National Water Development and Management Plan;
- (4) 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 that employs water efficiency, water recycling/reuse and the appropriate treatment of wastewater;
- (5) The Department shall coordinate with the National Disaster Risk Reduction Management Council (NDRRMC) or eventually the proposed Department of Disaster Resiliency to ensure that its plans and designs for flood control, flood risk management and drought risk management are aligned with the objectives and plans of the said Department; and
- (6) The Department shall coordinate with relevant government agencies, including Local Government Units (LGUs) for development projects and to ensure cross-cutting collaboration between and among all water subsectors and facilitate inter-agency subsector coordination, strategic development, planning, monitoring and provision of technical, institutional and financial capacity building support to their different stakeholders at the water subsector level.

SECTION 30. *Transfer of Rights and Obligations.*

The Department shall, by virtue of this Act, be surrogated to all the rights and assume all the obligations of the government agencies and units whose powers and functions have been absorbed, transferred or attached to the Department provided these are in accordance with the rules and regulations of the Commission on Audit. The transfer of powers and functions as herein provided shall take effect within 6 months of the effectivity of this Act. As such, all affected agencies/offices/units shall continue to function under their present mandates until the transition is fully in effect.

SECTION 31: *Funding.*

The sum of Two Billion pesos (P2,000,000,000.00) shall be set aside from 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, the Department shall submit its annual budget to fully carry out its powers and functions and achieve its objectives to the Office of the President, for approval, provided it shall not be less than the amount provided for in its initial implementation.

SECTION 32. *Repealing Clause.* — All laws, orders, rules and regulations, or portions thereof, inconsistent with this Act are hereby repealed or modified accordingly.

SECTION 33. *Separability Clause.* — If any provisions of this Act or the application of such provision to any person or circumstances be declared unconstitutional, the remainder of this Act or the application of such provision to other person or circumstances shall not be affected by such declaration.

SECTION 34. *Effectivity.* — This Act shall take effect fifteen (15) days from the date of its publication in the Official Gazette or in two (2) newspapers of general circulation.

Approved,