

EIGHTEENTH CONGRESS OF THE  
REPUBLIC OF THE PHILIPPINES  
*First Regular Session*)

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RECEIVED BY:

SENATE  
S. No. 1137

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**Introduced by SENATOR RONALD "BATO" DELA ROSA**

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#### **EXPLANATORY NOTE**

Samuel Taylor Coleridge predicted more than just a water crisis. "Water, water every where, nor any drop to drink," from Coleridge's *The Rime of the Ancient Mariner*,<sup>1</sup> captures the predicament of a human race that no longer has access to water. At the outset this might sound like a nightmare, and yet looking more closely at what is happening today, one finds that the nightmare is gradually becoming true.

Several factors lead up to the shortage of water, which the Philippines, along with the rest of the world, is currently experiencing. According to a 2016 report from the National Economic Development Authority (NEDA)<sup>2</sup>, urbanization remains to be one of the major problems, with urban areas utilizing more water than they should. There is also the prevalence of weak enforcement of laws and regulations pertinent to water use in the country. Just recently, in the summer of 2019, Metro Manila experienced the worst

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<sup>1</sup> Coleridge, Samuel Taylor. "The Rime of the Ancient Mariner," retrieved from: <https://www.poetryfoundation.org/poems/43997/the-rime-of-the-ancient-mariner-text-of-1834>, retrieved on October 9, 2019.

<sup>2</sup> Kritz, Ben. "Philippines: A hotspot for water crisis," October 10, 2016. Retrieved from: <https://www.manilatimes.net/2016/10/10/supplements/philippines-hotspot-water-crisis/290528/>, retrieved on October 14, 2019.

water crisis it has ever had in a decade,<sup>3</sup> and it was largely due to the rising demand for water in the cities, as well as the delays in constructing the infrastructure needed to provide additional water supply. The heat of the summer also contributed to the shrinking water level of the dams. To add insult to injury, the persistence of overlapping functions of the country's water agencies hardly did anything to alleviate the crisis.

With the onset of rapid industrialization all over the Philippines, it would be quite easy to imagine how and why the water crisis is a problem not only for Metro Manila, but for the rest of the country as well. Viewed in this light, it is imperative that a Department of Water Resources Management be created to oversee and direct the wise use and management of water.

The Department shall be guided by an integrated water resources management framework, and they shall exercise the powers and functions necessary for the review, revision, and integration of all regulations and policies pertinent to the conservation and effective management of water resources and water supply. Under the Department, systems shall be developed towards greater efficacy in optimizing the use of all the freshwater sources in the country as well as in improving water conservation.

The bill, in seeking to create the Department of Water Resources Management, ultimately aims to provide Filipinos with a better quality of life. In more ways than one, the vision of such a life does and will always include clean and safe water for everyone, including the generations still to come. That way, Coleridge's words will always remain to be mere lines from a poem, and not words of desperation from the mouth of a Filipino.

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

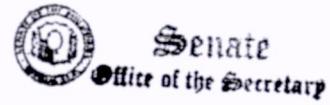


**RONALD "BATO" DELA ROSA**  
Senator

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<sup>3</sup> Calonzo, Andreo & Yap, Cecilia. "The Worst Water Crisis in Nearly a Decade Hits Manila. Here's Why," March 10, 2019. Retrieved from: <https://www.bloomberg.com/news/articles/2019-03-18/worst-water-crisis-in-decade-hits-philippine-capital-here-s-why>, retrieved on October 14, 2019.

EIGHTEENTH CONGRESS OF THE  
REPUBLIC OF THE PHILIPPINES  
*First Regular Session*



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SENATE  
S. No. 1137

RECEIVED BY: *[Signature]*

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**Introduced by SENATOR RONALD "BATO" DELA ROSA**

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

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

1 CHAPTER 1  
2  
3 GENERAL PROVISIONS

3       Section 1. *Short Title.* – This Act shall be known as the "Department of Water  
4 Resources Management Act."

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

9       In pursuit of said policy, this Act shall have the following objectives:

- 10      a) To prioritize and pursue the immediate attainment of universal access to safe,  
11           adequate and sustainable water supply for all Filipinos and adopt all necessary  
12           measures directed towards the realization of the human right to water; and  
13      b) To strengthen and coordinate water resource planning and policymaking to  
14           ensure sustainable and fair allocation and efficient use of water resources  
15           between competing water uses and users, including but not limited to domestic

1 and municipal use, irrigation, sanitation, power generation, farming, fisheries,  
2 commercial, and industrial use.

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

- 5 a) *Department* refers to the Department of Water Resources Management.
- 6 b) *Rainwater harvesting facility* refers to a flood control structure such as a vertical  
7 detention tank, horizontal water tank, open retarding basin, and multi-use  
8 water catchment area, or an on-site regulation pond used to prevent or delay  
9 the release of rainwater into the public drainage system.
- 10 c) *Sanitation* refers to sewage, sanitation, and septage management.
- 11 d) *Sewerage* refers to any system or network of sanitary pipelines, ditches,  
12 channels, or conduits including pumping stations, lift stations, and force mains,  
13 service connections including other constructions, devices, or appliances  
14 appurtenant thereof. which includes the collection, sanitary piping transport,  
15 pumping and treatment of water-borne human or animal waste removed from  
16 residences, buildings, institutions, and industrial and commercial  
17 establishments to point of sewage treatment plant disposal.
- 18 e) *Sewage* refers to water-carried waste in solution or suspension, including  
19 sanitary waste (waste products of normal living), commercial waste, industrial  
20 waste, agricultural waste, and surface runoff, conveyed by a sewerage system  
21 for treatment or disposal. For purposes of this Act, the definition of septage  
22 shall be included in the use of sewage.
- 23 f) *Septage* refers to sludge produced on individual on-site wastewater disposal  
24 systems, principally septic tanks and cesspools.

25 The terms *infrastructure* and *public works* as used in this Act should be read to  
26 apply only to wholly or primarily water-related projects and shall not be read to  
27 incorporate projects which would not otherwise fall within the purview of the  
28 objectives, powers, and duties of the Department.

## CHAPTER II

### ORGANIZATION

3            Sec. 4. *The Department of Water Resources Management.* — There is hereby  
4 created and established the Department of Water Resources Management, hereinafter  
5 referred to as the "Department," which shall be organized within one hundred twenty  
6 (120) days after the effectivity of this Act. The Department shall be tasked with  
7 developing and implementing a comprehensive water usage and conservation  
8 program for the Philippines including, but not limited to:

- 9           a) Implementing necessary policy and resource reforms with respect to the  
10         management of all water resources including irrigation, sewage, and sanitation;  
11        b) Monitoring and evaluating compliance with the national goals relating to water,  
12         irrigation, sewage, and sanitation;  
13        c) Formulating a national updated road map to address the water, sewage, and  
14         sanitation requirements of the State; and  
15        d) Improving conservation of water and increasing system efficiencies.

16           *Sec. 5. Powers and Duties of the Department.* — The Department shall have  
17 the following powers and duties, among others:

- 18 a) Develop policies to promote universal access to safe, adequate, affordable and  
19 sustainable water supply for all Filipinos. These shall include policies for  
20 irrigation, sewage, and sanitation services;

21 b) Coordinate with relevant government agencies or entities to provide policy  
22 directions, strategies, and targets to meet the goals and objectives for water  
23 supply, irrigation, sewage, and sanitation. Such policies shall, among other  
24 things, integrate the issues of water, irrigation, sewage, energy, environment  
25 and food security;

26 c) Manage and protect the country's water resources to ensure the optimal use  
27 thereof for domestic water supply, sewage, sanitation, irrigation, hydropower,  
28 navigation, flood control, and recreation including the enhancement and  
29 maintenance of water quality, conservation of watersheds control of water  
30 pollution, and environmental restoration, without compromising the natural  
31 ecosystem functions and services;

- d) Manage the ownership, appropriation, utilization, exploitation, development, conservation and protection of water resources including but not limited to ground water, surface water, rainwater, run-offs, floods, stormwater and urban drainage, and treated wastewater and the rights to land related thereto and their competing demands;
- e) Ensure the protection of all water resources with greater emphasis on sources of drinkable water and coordinate with the Local Government Units (LGUs) for the protection of waters within their jurisdictions especially on pollution prevention and restoration of rivers;
- f) 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;
- g) 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;
- h) 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;
- i) 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;
- j) 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;

- 1       k) Effect and compel inter-sectoral, inter-agency, and inter-departmental  
2                  coordination on water, irrigation, energy, environmental, sewage, and  
3                  sanitation resources development planning with the aim of operationalizing the  
4                  integrated approach water resources management;
- 5       l) Regulate and control the utilization, exploitation, abstraction, diversion, and  
6                  development of water resources, taking into account its equitable distribution,  
7                  and determine the standards of beneficial and priority uses of water in times of  
8                  crisis and national emergencies;
- 9       m) Promote water recycling and conservation as well as spearhead the efforts  
10                 towards the study, research, feasibility, installation and operation of  
11                 desalination systems;
- 12      n) Assist and provide the National Economic and Development Authority (NEDA)  
13                 with required data and inputs from and for the water sector in the formulation  
14                 of the country's short-term and long-term strategic development plans and  
15                 actions;
- 16      o) Coordinate with other relevant government agencies and develop policies and  
17                 plans in respect of water resources for farming, including sustainable  
18                 mechanisms for irrigation;
- 19      p) Coordinate with other relevant government agencies in order to educate the  
20                 public regarding water conservation, recycling, and other relevant information  
21                 for the fulfillment of the goals of this Act.
- 22      q) Pass upon, approve, or disapprove all plans, programs, or development projects  
23                 of private individuals, corporations, and government agencies, whether national  
24                 or local, that affect water resources, its diversion or abstraction, and the  
25                 construction of hydraulic facilities, including but not limited to plans and  
26                 projects in watershed or basin areas of water supply sources, which have direct  
27                 or indirect impact on the affected locality's water resources;
- 28      r) Review from time to time regulations prescribed by any government agency  
29                 pertaining to water use, exploitation, development, conservation, or protection  
30                 of waters, water resources, and watershed or basin areas;
- 31      s) Authorize its representatives or any deputized agent to enter any property of  
32                 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;
- t) Require 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, sewage, and sanitation 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;
- u) Provide technical assistance to water, irrigation, sewer and sanitation users, whether directly or in coordination with other agencies, to assist them in applying for water and irrigation permits and providing data on water, irrigation, sewage, and sanitation resource usage;
- v) Plan, design, construct, and/or improve all types of irrigation projects and appurtenant structures;
- w) Operate, maintain, and administer all national irrigation systems (NIS);
- x) 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;
- y) 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;
- z) Delegate the partial or full management of NIS to duly organized cooperatives or associations;

- aa) 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;
- bb) Charge and collect from the beneficiaries of the water from all irrigation systems constructed by under its administration;
- cc) 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, irrigation, sewage, and sanitation infrastructures;
- dd) 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;
- ee) In coordination with other relevant agencies, ascertain that all plans and project implementation designs are consistent with current standards and guidelines;
- ff) 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;
- gg) Assist other government agencies, including LGUs, in determining the most suitable entity to undertake the actual construction of water, irrigation, sewage, and sanitation projects;
- hh) Maintain and cause to be maintained all flood control, water resource development systems, irrigation 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;
- ii) Provide integrated planning for flood control, flood risk management and water resource development and management systems, other public works;
- jj) Issue and promulgate rules, regulations, and guidelines as may be necessary to implement and enforce its powers and functions under this Act;

- 1       kk) Determine and require the monitoring and submission of such data, statistics,  
2           and other information as may be necessary for the effective and efficient  
3           exercise of its duties, functions, powers and responsibilities;
- 4       ll) Respond to consumer complaints and ensure the adequate promotion of  
5           consumer interests;
- 6       mm) Deputize agents, whether from the public or private sector, to assist in  
7           the performance of any of the powers and functions of the Department;
- 8       nn) Appoint, hire, and maintain adequate staff and personnel, advisers, and/or  
9           consultants, with suitable qualifications and experience, as necessary;
- 10      oo) Manage funds coursing through it under General Appropriations Act intended as  
11           financial assistance to LWDs or LGUs for the development and/or improvement  
12           of water supply and sanitation facilities;
- 13      pp) Exercise such other powers and functions necessary or incidental to the  
14           effective administration and management of the country's water, irrigation,  
15           sewage, and sanitation resources;
- 16      qq) Exercise such other incidental powers and functions as may be necessary to  
17           attain the objectives of this Act;
- 18      rr) Carry such other functions as the President may from time to time assign to  
19           the Department consistent with the aims and provisions of this Act; and
- 20      ss) Promulgate rules on prohibited acts and impose the appropriate penalties  
21           thereto.

22           Sec. 6. *Barangay Water Harvesting*. – The duties under Republic Act No. 6716  
23           or the Act Providing for the Construction of Water Wells, Rainwater Collectors,  
24           Development of Springs and Rehabilitation of Existing Water Wells in All Barangays in  
25           the Philippines of 1989 shall be transferred from the Department of Public Works and  
26           Highways to the Department who shall consult with the respective LGUs for  
27           implementation. The Department shall, within two (2) years after the approval of this  
28           Act and every year thereafter, submit periodic reports to the respective Committees  
29           on Local Government of both Houses of the Congress of the Philippines for evaluation  
30           and consideration.

31           Sec. 7. *Rainwater Harvesting Facility Requirement*. – An owner or developer of  
32           a new commercial, institutional, and residential development project anywhere in the

1 Philippines with a land area of at least two thousand (2,000) square meters and  
2 requiring the issuance of a building permit, shall reserve, develop, and maintain at  
3 least three percent of the total area, exclusive of roads, service streets, and alleys as  
4 a rainwater harvesting facility. The LGUs shall require and ensure compliance with this  
5 provision and shall deny requests for permits concerning the construction project until  
6 this provision is complied with. The design and specifications for the rainwater  
7 harvesting facility shall be prescribed by the Department. Projects still under  
8 construction 60 days following the effectivity of this Act shall be covered by this  
9 provision and shall comply within three (3) years from the effectivity of this Act.

10 Violators of this provision shall suffer the penalty of a fine of not less than Five  
11 hundred thousand (Php500,000) but not more than Two million pesos (Php2,000,000)  
12 for every year of non-compliance.

13 Sec. 8. A person is guilty of unlawful defilement of water when he intentionally  
14 or with reckless imprudence, introduces, places, or causes to be introduced or placed  
15 into a water supply, a defiling agent with the intent to cause sickness, physical injury,  
16 severe disfigurement or death of another human being, or with intent to cause  
17 irreparable harm to such water supply or to disturb the public peace.

18 Violators of this provision shall be penalized with imprisonment of not less than  
19 five (5) years but not more than thirty (30) years. A fine of not less than Five hundred  
20 thousand pesos (Php500,000) but not more than Ten million pesos (Php10,000,000)  
21 shall also be imposed.

22 Sec. 9. *Collection of Fines.* – Fines collected from violators of the two preceding  
23 provisions shall be placed in a special fund and allocated to the Department for the  
24 implementation of Section 6 of this Act.

25 Sec. 10. *Secretary of the Department of Water Resources Management.* — The  
26 authority and responsibility for the exercise of the mandate of the Department and for  
27 the discharge of its powers and functions shall be vested in the Secretary of the  
28 Department of Water Resources Management, hereinafter referred to as the  
29 Secretary, who shall have supervision and control over the Department and shall be  
30 appointed by the President. For such purposes, the Secretary shall:

- a) Advise the President on the promulgation of executive or administrative orders, regulations, proclamations, and other issuances relative to matters under the jurisdiction of the Department;
- b) Establish the policies and standards for the operation of the Department pursuant to the President's guidelines;
- c) Promulgate rules and regulations necessary to carry out Department objectives, policies, and functions;
- d) Exercise supervision and control over all Bureaus and Offices under the Department;
- e) Supervise all attached agencies and corporations in accordance with law;
- f) As deemed appropriate by the Secretary, delegate authority for the performance of any power or function, as defined herein or as delegated by the President, to officers and employees under his direction; and
- g) Perform such other duties and responsibilities as may be provided by law.

Sec. 11. *Office of the Secretary*— The Office of the Secretary shall be composed of the Secretary and his immediate staff.

Sec. 12. *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

1       c) Perform such other duties and responsibilities as may be assigned or delegated  
2           by the Secretary to promote efficiency and effectiveness in the delivery of public  
3           services or as may be required by law.

4       Sec. 13. *Assistant Secretaries*. — The Secretary shall also be assisted by one  
5       Assistant Secretary for Internal Audit and the five (5) Undersecretaries shall each be  
6       assisted by not more than three (3) Assistant Secretaries likewise appointed by the  
7       President of the Philippines upon the recommendation of the Secretary.

8

9       Sec. 14. *Organizational Structure*. – The Department shall be composed of the  
10      following organization units:

11      a) Department Proper consisting of the Office of the Secretary, the Offices of the  
12           Undersecretaries and Assistant Secretaries, the Internal Audit, Finance Service,  
13           Administrative Service, Planning and Engineering Services, Regulatory and  
14           Financial Assistance Services, and Operations; and

15      b) Regional Offices, as deemed appropriate and necessary by the Secretary, taking  
16           into consideration the existing water resources regions, river basins, and  
17           catchment basins of the country.

18       Sec. 15. *Internal Audit*. — The Internal Audit is hereby created for the purpose  
19      of conducting comprehensive audit of various Department activities and shall have the  
20      following specific functions:

21      a) Advise the Secretary on all matters relating to management control and  
22           operations audit;

23      b) Conduct management and operations performance audit of Department  
24           activities and units and determine as to compliance with established objectives,  
25           policies, methods and procedures, government regulations, and contractual  
26           obligations of the Department;

27      c) Review and appraise systems and procedures, organizational structure, assets  
28           management practices, accounting, and other records, reports, and  
29           performance standards of the Department of Proper and Regional Offices;

30      d) Analyze and evaluate management deficiencies and assist top management to  
31           solve problems by recommending realistic courses of action; and

- 1       e) Perform such other related duties and responsibilities as may be assigned or  
2           delegated by the Secretary or as may be required by law.

3           Sec. 16. *Finance Service*. – The Finance Services is hereby created to provide  
4           the Department with coordinated services relating to financial systems and  
5           procedures, budget, cash, accounting, and all financial matters not falling under other  
6           Services. For such purposes, it shall have the following functions:

- 7       a) Advise the Secretary on all matters relating to the accounting of government  
8           expenditures and receipts, budgeting and cash management, project finances,  
9           and financial systems and procedures;
- 10      b) Prepare budget proposals and pursue formal budget authorizations, undertake  
11           budget execution, and prepare and submit all appropriate reports to the proper  
12           offices;
- 13      c) Develop and maintain accounting, financial, and assets management systems,  
14           procedures, and practices in the Department Proper and Regional Offices in  
15           accordance with the existing government accounting and auditing rules and  
16           regulations;
- 17      d) Provide assistance in its area of specialization to any unit of the Department  
18           and, when requested, to government corporations, councils, and boards  
19           attached to the Department; and
- 20      e) Perform such other related duties and responsibilities as may be assigned or  
21           delegated by the Secretary or as may be required by law.

22           Sec. 17. *Administrative Service*. — The Administrative Service is hereby created  
23           to provide the Department with services relating to human resources development,  
24           personnel records, facilities maintenance, medical and dental, gender and  
25           development (GAD), security, property and procurement services. For such purposes,  
26           it shall have the following functions:

- 27      a) Advise the Secretary on all matters relating to internal administration and  
28           human resources management;
- 29      b) Prepare and implement an integrated personnel plan that shall include  
30           provisions on merit promotion, performance evaluation, job rotation,  
31           suggestions and incentive awards systems, and health and welfare services;

- 1       c) Provide services related to human resource training, education, and
- 2              development, including manpower, career planning and forecasting and
- 3              development of indigenous training materials;
- 4       d) Prepare and/or implement Department GAD plans and budgets and GAD
- 5              accomplishment reports;
- 6       e) Develop, establish, and maintain an efficient and cost-effective property
- 7              procurement system and facilities and coordinate or otherwise interface with
- 8              relevant agencies, whether government or private. for the purpose of
- 9              developing or upgrading the system;
- 10      f) Secure and maintain necessary Department facilities, and develop, establish
- 11              and maintain an efficient and effective security system covering, among others,
- 12              personnel, physical installations, equipment, documents, and materials,
- 13              including the conduct of security investigations;
- 14      g) Coordinate with the appropriate government agencies for a more efficient
- 15              conduct of administrative processes;
- 16      h) Develop, establish and maintain an efficient records system;
- 17      i) Provide assistance in its area of specialization to the Department Proper and
- 18              Regional Offices and, when requested, the government agencies and
- 19              corporations attached to the Department; and
- 20      j) Perform such other related duties and responsibilities as may be assigned or
- 21              delegated by the Secretary or as may be required by law.

22       Sec. 18. *Planning and Engineering Services.* — The Planning and Engineering  
23       Services is hereby created to provide the Department with the capability to undertake  
24       infrastructure development planning, programming and implementation. For this  
25       purpose, it shall have the following functions:

- 26      a) Advise the Secretary on all matters relating to infrastructure planning and
- 27              implementation;
- 28      b) Formulate strategies and priorities for infrastructure development consistent
- 29              with national development objectives and initiate or undertake relevant surveys
- 30              for development planning;
- 31      c) Formulate and implement long-range, medium-term and annual development
- 32              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 and 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. 19. *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:

- 1        a) Advise the Secretary on all matters relating to legal affairs and regulation of  
2                  the operation of the attached corporations, LWDs, RWSAs, cooperatives and  
3                  other associations;
- 4        b) Provide legal assistance to the Department Proper and Regional Offices and,  
5                  when requested, the attached corporations and boards;
- 6        c) Prepare Department contracts and legal instruments, review of administrative  
7                  charges against officers and employees of the Department, members of the top  
8                  management of the attached corporations and boards;
- 9        d) Conduct administrative investigation as well as the review of administrative  
10                 charges against officers and employees of the Department, members of the top  
11                 management of the attached corporations and boards;
- 12       e) Exercise functional jurisdiction over the legal staffs of Regional Offices;
- 13       f) Establish standards for: water quality; design and construction of facilities;  
14                 optimum selection of equipment, materials and supplies; procedures for  
15                 operations and maintenance of water and sewer equipment and facilities;  
16                 training of personnel; organization; uniform accounting system; tariffs;
- 17       g) Review all water rates or charges;
- 18       h) Manage the financial assistance available and granted to LWDs, RWSAs and  
19                 other qualified water utilities;
- 20       i) Maintain a databank for water quantity and quality of all water resources,  
21                 including ground water and or surface water resources being used by water  
22                 utilities, power utilities, sewage facilities, sanitation facilities, and irrigation  
23                 cooperatives and organizations and a databank for relevant information of all  
24                 these organizations as well.

25               Sec. 20. *Operations.* — The Operations is hereby created to provide the

26               Department through Regional Offices with the capability to plan, design, and  
27               implement projects for water resource development systems, irrigation, flood control,  
28               and other public works in different regions of the country. For this purpose. it shall  
29               have the following functions:

- 30        a) Undertake and evaluate the planning, design, construction, and works  
31                 supervision functions of the Department for the abovementioned infrastructure  
32                 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. 21. *Regional Director.* — Each Regional Office shall be headed by a

19 Regional Director who shall be responsible for efficiently and effectively carrying out  
20 the duties and responsibilities of the Regional Office. She/he shall also perform such  
21 other related duties and responsibilities as may be assigned or delegated by the  
22 Secretary or as may be required by law.

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

CHAPTER III

## TRANSITORY PROVISIONS

29 Sec. 22. *Interface with Other Sector Regulators.* — The Department is  
30 mandated to coordinate with the different sector regulators as follows:

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

1 and for the conservation of water and related natural resources, including  
2 protecting water bodies from waste and pollution and shall promulgate rules,  
3 regulates, and standards in this regard. The Department shall coordinate with  
4 the DENR with respect to the conservation of water resources, protection from  
5 sewage and septage waste, and restoration from environment damage.

- 6 b) The Department of Health (DOH) shall have primary authority and responsibility  
7 for determining and enforcing drinking water quality and sanitation standards.  
8 The Department shall coordinate with the DOH to achieve an integrated  
9 approach for sanitation, including toilets, collection, treatment, and evaluation  
10 of wastewater.
- 11 c) The Department shall subsume responsibility from the Department of Public  
12 Works and Highways (DPWH) for wholly or primarily water related public works  
13 projects including flood control, water resources development, sewerage,  
14 sanitation, and the harnessing and impounding of water. The Secretaries of  
15 each department shall coordinate on the development of evaluation criteria, as  
16 necessary, to determine proper allocation of public works projects between the  
17 two departments.
- 18 d) The Department shall absorb the responsibility from the Department of Interior  
19 and Local Government (DILG) on the management and operation of water  
20 supply systems of local government units.

21 Sec. 23. *Transfer of Rights and Obligations.* — The Department shall, by virtue  
22 of this Act, be subrogated to all the rights and assume all the obligations of the  
23 relevant parts of any government agency or unit whose powers and duties have been  
24 transferred to the Department, including the DPWH, National Irrigation Administration  
25 (NIA), National Water Resources Board (NWRB), Metropolitan Waterworks and  
26 Sewerage System (MWSS), River Basin Control Office, Manila Bay Coordinating Office,  
27 Local Water Utilities Administration (LWUA), Metro Manila Development Authority  
28 (MMDA), Department of Environment and Natural Resources, the Department of  
29 Interior and Local Government (DILG), Laguna Lake Development Authority, Pasig  
30 River Rehabilitation Commission, the Water Resources Regional Offices, and all other  
31 offices whose powers are transferred by this Act.

1        The transfer of powers and functions in Sections 22 and 23 above, as  
2 applicable, as herein provided for, shall take effect within one hundred eighty (180)  
3 days after the effectivity of this Act. The foregoing transfer of powers and functions  
4 shall include all applicable funds, personnel, records, property, and equipment, as may  
5 be necessary. All offices shall continue to function under their present mandates until  
6 transition is completed as provided for under this Act.

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

11       Sec. 24. *Separation from Service*. — Employees separated from government  
12 service as a result of this Act shall be entitled to the benefits that they may receive  
13 under existing laws, rules, and regulations.

14       Sec. 25. *Funding*. — The sum of Two billion pesos (Php2,000,000,000) shall be  
15 set aside from any available funds of the National Treasury and is hereby appropriated  
16 and authorized to be released for the organization of the Department and its initial  
17 operations.

18       Thereafter, funds sufficient to fully carry out the objectives, powers, and  
19 functions of the Department shall be appropriated every fiscal year in the General  
20 Appropriations Act.

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

24       Sec. 26. *Implementing Rules and Regulations*. – Within one hundred eighty  
25 (180) days after its organization as provided under Sec. 4 of this Act, the Department,  
26 in consultation with the concerned government agencies, shall promulgate the  
27 necessary rules and regulations for the implementation of this Act. The implementing  
28 rules and regulations shall only take effect 15 days following its publication in the  
29 Official Gazette or at least one (1) newspaper of general circulation.

30       Sec. 27. *Separability Clause*. – If any provisions or part hereof, is held invalid  
31 or unconstitutional, the remainder of the law or the provision not otherwise affected  
32 shall remain valid and subsisting.

1           Sec. 28. *Repealing Clause.* – Any law, presidential decree or issuance, executive  
2 order, letter of instruction, administrative order, rule or regulation contrary to or  
3 inconsistent with the provision of this Act is hereby repealed, modified or amended  
4 accordingly.

5           Sec. 29. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its  
6 publication in the Official Gazette or at least two (2) newspapers of general circulation.

Approved,

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