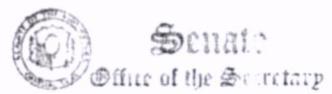


EIGHTEENTH CONGRESS OF THE )  
REPUBLIC OF THE PHILIPPINES )  
*First Regular Session* )



Senate

Office of the Secretary

SENATE  
S. No. 208

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RECEIVED

Introduced by Senator Francis "Tol" N. Tolentino

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

**EXPLANATORY NOTE**

Water is a basic human need and access to safe and clean drinking water is a basic human right as recognized by the United Nations. As a national water crisis looms according to a study by the Japan International Cooperation Agency and the Philippines' National Water Resources Board and all major cities of the Philippines have been foreseen to all suffer from water shortage by 2025, it is only imperative and necessary to take a much needed affirmative action to prevent this catastrophe.

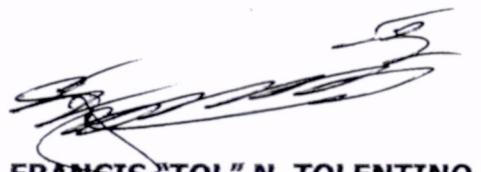
The Philippines, although an archipelagic country blessed with an abundant source of water including rivers, lakes, river basins, and groundwater reservoirs, has already been experiencing severe water shortage ahead of the forecasted 2025 water crisis due to the impact of rapid population growth, urbanization, pollution, excessive and inefficient use of water, and extended period of dry season brought about by climate change. The water shortage is further aggravated by the overlapping functions of water agencies in the country, not to mention the mismanagement on the part of both private and public regulators. The enactment of a feasible long-term solution for the protection of water is necessary to combat the threat of possible water crisis in

the future. To ensure adequate availability of water in the future, an efficient and effective management and protection of the country's water sources is a great necessity.

This bill, therefore, seeks to create the Department of Water Resources Management which shall be the primary agency responsible for the comprehensive and integrated water resources development and management in the Philippines. Guided by the integrated water resources management framework and taking into account climate risks, the Department 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 potable water supply. In managing water resources, the Department shall aim to improve water conservation, increase system efficiencies, and optimize the use of all freshwater in the country including ground water, surface water, rainwater, run-offs, floods, stormwater and urban drainage, and treated wastewater to meet various needs.

Following the lead of other countries who have found it wise to create a special department to manage this vital resource of water including Japan, Australia, China, and India, the availability of potable water in the Philippines and the continuing water supply for domestic, agricultural and industrial consumption may be ensured and the perennial problem that seriously affects the lives of the people in terms of health, sanitation, food security, and livelihood may be effectively addressed.

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



**FRANCIS "TOL" N. TOLENTINO**  
Senator

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



SENATE  
S. No. 208

Introduced by Senator Francis "Tol" N. Tolentino

**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 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

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

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

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

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

## CHAPTER II

### ORGANIZATION

*Sec. 4. The Department of Water Resources Management.* — There is hereby created and established the Department of Water Resources Management, hereinafter

1 referred to as the "Department," which shall be organized within one hundred twenty  
2 (120) days after the effectivity of this Act. The Department shall be tasked with  
3 developing and implementing a comprehensive water usage and conservation  
4 program for the Philippines including, but not limited to:

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

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

- 14 a) Develop policies to promote universal access to safe, adequate, affordable and  
15 sustainable water supply, irrigation, sewage, and sanitation services for all  
16 Filipinos;
- 17 b) Coordinate with relevant government agencies or entities to provide policy  
18 directions, strategies, and targets to meet the goals and objectives for water  
19 supply, irrigation, sewage, and sanitation. Such policies shall, among other  
20 things, integrate the issues of water, irrigation, sewer, energy, environment  
21 and food security;
- 22 c) Manage and protect the country's water resources to ensure the optimal use  
23 thereof for domestic water supply, sewage, sanitation, irrigation, hydropower,  
24 navigation, flood control, and recreation including the enhancement and  
25 maintenance of water quality, conservation of watersheds control of water  
26 pollution, and environmental restoration, without compromising the natural  
27 ecosystem functions and services;
- 28 d) Manage the ownership, appropriation, utilization, exploitation, development,  
29 conservation and protection of water resources including but not limited to  
30 ground water, surface water, rainwater, run-offs, floods, stormwater and urban  
31 drainage, and treated wastewater and the rights to land related thereto and  
32 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 formulation 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;
- k) Effect and compel inter-sectoral, inter-agency, and inter-departmental coordination on water, irrigation, energy, environmental, sewage, and sanitation resources development planning with the aim of operationalizing the integrated approach water resources management;
- l) Regulate and control the utilization, exploitation, abstraction, diversion, and development of water resources, taking into account its equitable distribution,

- 1 and determine the standards of beneficial and priority uses of water in times of  
2 crisis and national emergencies;
- 3 m) Promote water recycling and conservation as well as spearhead the efforts  
4 towards the study, research, feasibility, installation and operation of  
5 desalination systems;
- 6 n) Assist and provide the National Economic and Development Authority (NEDA)  
7 with required data and inputs from and for the water sector in the formulation  
8 of the country's short-term and long-term strategic development plans and  
9 actions;
- 10 o) Coordinate with other relevant government agencies and develop policies and  
11 plans in respect of water resources for farming, including sustainable  
12 mechanisms for irrigation;
- 13 p) Coordinate with other relevant government agencies in order to educate the  
14 public regarding water conservation, recycling, and other relevant information  
15 for the fulfillment of the goals of this Act.
- 16 q) Pass upon, approve, or disapprove all plans, programs, or development projects  
17 of private individuals, corporations, and government agencies, whether national  
18 or local, that affect water resources, its diversion or abstraction, and the  
19 construction of hydraulic facilities, including but not limited to plans and  
20 projects in watershed or basin areas of water supply sources, which have direct  
21 or indirect impact on the affected locality's water resources;
- 22 r) Review from time to time regulations prescribed by any government agency  
23 pertaining to water use, exploitation, development, conservation, or protection  
24 of waters, water resources, and watershed or basin areas;
- 25 s) Authorize its representatives or any deputized agent to enter any property of  
26 public dominion or any private land, building, or enclave, whether inhabited or  
27 not for the purpose of conducting hydrologic surveys and investigations,  
28 including assessing and evaluating the conditions of water facilities installed  
29 and determining compliance with water laws and standards;
- 30 t) Require LGUs and national agencies to submit zoning and land use  
31 management plans to ensure the integration of water resource management  
32 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;

- 1 bb) Charge and collect from the beneficiaries of the water from all irrigation systems  
2 constructed by under its administration;

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

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

11 ee) In coordination with other relevant agencies, ascertain that all plans and project  
12 implementation designs are consistent with current standards and guidelines;

13 ff) Provide the works supervision function for all public works construction and  
14 ensure that actual construction is done in accordance with approved  
15 government plans and specifications;

16 gg) Assist other government agencies, including LGUs, in determining the most  
17 suitable entity to undertake the actual construction of water, irrigation, sewage,  
18 and sanitation projects;

19 hh) Maintain and cause to be maintained all flood control, water resource  
20 development systems, irrigation systems, and other public works throughout  
21 the country except those that are the responsibility of other agencies as  
22 directed by the President of the Philippines or as provided by law;

23 ii) Provide integrated planning for flood control, flood risk management and water  
24 resource development and management systems, other public works;

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

27 kk) Determine and require the monitoring and submission of such data, statistics,  
28 and other information as may be necessary for the effective and efficient  
29 exercise of its duties, functions, powers and responsibilities;

30 ll) Respond to consumer complaints and ensure the adequate promotion of  
31 consumer interests;

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

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

26       *Sec. 7. Rainwater Harvesting Facility Requirement.* – An owner or developer of  
27       a new commercial, institutional, and residential development project anywhere in the  
28       Philippines with a land area of at least two thousand (2,000) square meters and  
29       requiring the issuance of a building permit, shall reserve, develop, and maintain at  
30       least three percent of the total area, exclusive of roads, service streets, and alleys as  
31       a rainwater harvesting facility. The Housing and Land Use Regulatory Board (HLURB)  
32       and the LGUs shall require and ensure compliance with this provision and shall deny

1 requests for permits concerning the construction project until this provision is complied  
2 with. The design and specifications for the rainwater harvesting facility shall be  
3 prescribed by the Department. Projects still under construction 60 days following the  
4 effectivity of this Act shall be covered by this provision and shall comply within three  
5 (3) years from the effectivity of this Act.

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

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

14 Violators of this provision shall be penalized with imprisonment of not less than  
15 five (5) years but not more than 30 years. A fine of not less than Five hundred  
16 thousand pesos (Php500,000) but not more than Ten million pesos (Php10,000,000)  
17 shall also be imposed.

18 Sec. 9. *Collection of Fines.* – Fines collected from violators of the two preceding  
19 provisions shall be place in a special fund and allocated to the Department for the  
20 implementation of Sec. 6 of this Act.

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

- 27 a) Advise the President on the promulgation of executive or administrative orders,  
28 regulations, proclamations, and other issuances relative to matters under the  
29 jurisdiction of the Department;
- 30 b) Establish the policies and standards for the operation of the Department  
31 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
- c) Perform such other duties and responsibilities as may be assigned or delegated by the Secretary to promote efficiency and effectiveness in the delivery of public services or as may be required by law.

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

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

- 3           a) Department Proper consisting of the Office of the Secretary, the Offices of the  
4           Undersecretaries and Assistant Secretaries, the Internal Audit, Finance Service,  
5           Administrative Service, Planning and Engineering Services, Regulatory and  
6           Financial Assistance Services, and Operations; and
- 7           b) Regional Offices, as deemed appropriate and necessary by the Secretary, taking  
8           into consideration the existing water resources regions, river basins, and  
9           catchment basins of the country.

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

- 13           a) Advise the Secretary on all matters relating to management control and  
14           operations audit;
- 15           b) Conduct management and operations performance audit of Department  
16           activities and units and determine as to compliance with established objectives,  
17           policies, methods and procedures, government regulations, and contractual  
18           obligations of the Department;
- 19           c) Review and appraise systems and procedures, organizational structure, assets  
20           management practices, accounting, and other records, reports, and  
21           performance standards of the Department of Proper and Regional Offices;
- 22           d) Analyze and evaluate management deficiencies and assist top management to  
23           solve problems by recommending realistic courses of action; and
- 24           e) Perform such other related duties and responsibilities as may be assigned or  
25           delegated by the Secretary or as may be required by law.

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

- 30           a) Advise the Secretary on all matters relating to the accounting of government  
31           expenditures and receipts, budgeting and cash management, project finances,  
32           and financial systems and procedures;

- 1        b) Prepare budget proposals and pursue formal budget authorizations, undertake
- 2              budget execution, and prepare and submit all appropriate reports to the proper
- 3              offices;
- 4        c) Develop and maintain accounting, financial, and assets management systems,
- 5              procedures, and practices in the Department Proper and Regional Offices in
- 6              accordance with the existing government accounting and auditing rules and
- 7              regulations;
- 8        d) Provide assistance in its area of specialization to any unit of the Department
- 9              and, when requested, to government corporations, councils, and boards
- 10             attached to the Department; and
- 11       e) Perform such other related duties and responsibilities as may be assigned or
- 12             delegated by the Secretary or as may be required by law.

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

- 18        a) Advise the Secretary on all matters relating to internal administration and  
19             human resources management;
- 20        b) Prepare and implement an integrated personnel plan that shall include  
21             provisions on merit promotion, performance evaluation, job rotation,  
22             suggestions and incentive awards systems, and health and welfare services;
- 23        c) Provide services related to human resource training, education, and  
24             development, including manpower, career planning and forecasting and  
25             development of indigenous training materials;
- 26        d) Prepare and/or implement Department GAD plans and budgets and GAD  
27             accomplishment reports;
- 28        e) Develop, establish, and maintain an efficient and cost-effective property  
29             procurement system and facilities and coordinate or otherwise interface with  
30             relevant agencies, whether government or private, for the purpose of  
31             developing or upgrading the system;

- 1       f) Secure and maintain necessary Department facilities, and develop, establish  
2                  and maintain an efficient and effective security system covering, among others,  
3                  personnel, physical installations, equipment, documents, and materials,  
4                  including the conduct of security investigations;
- 5       g) Coordinate with the appropriate government agencies for a more efficient  
6                  conduct of administrative processes;
- 7       h) Develop, establish and maintain an efficient records system;
- 8       i) Provide assistance in its area of specialization to the Department Proper and  
9                  Regional Offices and, when requested, the government agencies and  
10                 corporations attached to the Department; and
- 11      j) Perform such other related duties and responsibilities as may be assigned or  
12                 delegated by the Secretary or as may be required by law.

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

- 17       a) Advise the Secretary on all matters relating to infrastructure planning and  
18                 implementation;
- 19       b) Formulate strategies and priorities for infrastructure development consistent  
20                 with national development objectives and initiate or undertake relevant surveys  
21                 for development planning;
- 22       c) Formulate and implement long-range, medium-term and annual development  
23                 plans and programs for infrastructure, including flood control, water resource  
24                 development systems, and other public works projects, including phasing of  
25                 implementation and review and integrate land use plans with such water  
26                 development plans;
- 27       d) Identify and implement priority packages for infrastructure development,  
28                 including flood control, water resource development systems, and other public  
29                 works projects, and undertake or supervise and evaluate the conduct of  
30                 feasibility studies and project preparation and implementation thereof;
- 31       e) Prioritize project implementation and the allocation of funds and other  
32                 resources and package project proposals for funding and implementation;

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

11           Sec. 19. *Regulatory and Financial Assistance Services.* — The Regulatory and  
12           Financial Assistance Services is hereby created to provide the Department with  
13           services on all legal affairs, compliance of attached government corporations, LWDs,  
14           RWSAs, cooperatives, and other associations, including private entities under  
15           contractual or concession arrangement with them, and other private water service  
16           providers on the established standards, rules and regulations relating to: water  
17           quality; infrastructure and facilities design and construction; equipment, materials and  
18           supplies; operations and maintenance; personnel; organization; accounting; tariffs;  
19           and other matters subject to regulation. It shall also provide the Department services  
20           on the management of the financial assistance available and granted to LWDs and  
21           RWSAs. For this purpose, it shall have the following functions:

- 22       a) Advise the Secretary on all matters relating to legal affairs and regulation of  
23              the operation of the attached corporations, LWDs, RWSAs, cooperatives and  
24              other associations;
- 25       b) Provide legal assistance to the Department Proper and Regional Offices and,  
26              when requested, the attached corporations and boards;
- 27       c) Prepare Department contracts and legal instruments, review of administrative  
28              charges against officers and employees of the Department, members of the top  
29              management of the attached corporations and boards;
- 30       d) Conduct administrative investigation as well as the review of administrative  
31              charges against officers and employees of the Department, members of the top  
32              management of the attached corporations and boards;

- 1       e) Exercise functional jurisdiction over the legal staffs of Regional Offices;
- 2       f) Establish standards for: water quality; design and construction of facilities;
- 3              optimum selection of equipment, materials and supplies; procedures for
- 4              operations and maintenance of water and sewer equipment and facilities;
- 5              training of personnel; organization; uniform accounting system; tariffs;
- 6       g) Review all water rates or charges;
- 7       h) Manage the financial assistance available and granted to LWDs, RWSAs and
- 8              other qualified water utilities;
- 9       i) Maintain a databank for water quantity and quality of all water resources,
- 10              including ground water and or surface water resources being used by water
- 11              utilities, power utilities, sewage facilities, sanitation facilities, and irrigation
- 12              cooperatives and organizations and a databank for relevant information of all
- 13              these organizations as well.

14           Sec. 20. *Operations.* — The Operations is hereby created to provide the  
15          Department through Regional Offices with the capability to plan, design, and  
16          implement projects for water resource development systems, irrigation, flood control,  
17          and other public works in different regions of the country. For this purpose. it shall  
18          have the following functions:

- 19       a) Undertake and evaluate the planning, design, construction, and works  
20              supervision functions of the Department for the abovementioned infrastructure  
21              within the region;
- 22       b) Undertake the maintenance of the abovementioned infrastructure within the  
23              region and supervise the maintenance of such local infrastructure receiving  
24              national government financial assistance as the Secretary may determine;
- 25       c) Ensure the implementation of laws, policies, programs, rules and regulations  
26              regarding the abovementioned infrastructure as well as public and private  
27              physical structures;
- 28       d) Provide technical assistance related to their functions to other agencies within  
29              the region;
- 30       e) Coordinate with other departments. agencies, institutions, and organizations  
31              within the region, in the planning and implementation of infrastructure projects;

- f) Conduct continuing consultations with the local communicates, 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.

8            Sec. 21. *Regional Director.* — Each Regional Office shall be headed by a  
9        Regional Director who shall be responsible for efficiently and effectively carrying out  
10      the duties and responsibilities of the Regional Office. She/he shall also perform such  
11      other related duties and responsibilities as may be assigned or delegated by the  
12      Secretary or as may be required by law.

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

CHAPTER III

## **TRANSITORY PROVISIONS**

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

- 21 a) The Department of Environment and Natural Resources (DENR) shall continue  
22 to have the primary authority and responsibility for protecting the environment  
23 and for the conservation of water and related natural resources, including  
24 protecting water bodies from waste and pollution and shall promulgate rules,  
25 regulates, and standards in this regard. The Department shall coordinate with  
26 the DENR with respect to the conservation of water resources, protection from  
27 sewage and septage waste, and restoration from environment damage.

28 b) The Department of Health (DOH) shall have primary authority and responsibility  
29 for determining and enforcing drinking water quality and sanitation standards.  
30 The Department shall coordinate with the DOH to achieve an integrated  
31 approach for sanitation, including toilets, collection, treatment, and evaluation  
32 of wastewater.

- 1       c) The Department shall subsume responsibility from the Department of Public  
2              Works and Highways (DPWH) for wholly or primarily water related public works  
3              projects including flood control, water resources development, sewerage,  
4              sanitation, and the harnessing and impounding of water. The Secretaries of  
5              each department shall coordinate on the development of evaluation criteria, as  
6              necessary, to determine proper allocation of public works projects between the  
7              two departments.
- 8       d) The Department shall absorb the responsibility from the Department of Interior  
9              and Local Government (DILG) on the management and operation of water  
10             supply systems of local government units.

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

22           The transfer of powers and functions in Sec. 18 above, as applicable, and  
23           agencies attached thereto, as herein provided for, shall take effect within one hundred  
24           eighty (180) days after the effectivity of this Act. The foregoing transfer of powers  
25           and functions shall include all applicable funds, personnel, records, property, and  
26           equipment, as may be necessary. All offices shall continue to function under their  
27           present mandates until transition is effected as provided for under this Act.

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

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

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

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

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

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

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

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

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

Approved,