

EIGHTEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES
First Regular Session



19 JUL 24 A9 53

SENATE

S. B. NO. 713

RECEIVED BY SJ

Introduced by SENATOR JOEL VILLANUEVA

**AN ACT ENSURING SAFE DRINKING WATER,
AMENDING FOR THE PURPOSE PRESIDENTIAL DECREE NO.
856, OTHERWISE KNOWN AS THE CODE ON SANITATION OF
THE PHILIPPINES AND FOR OTHER PURPOSES**

EXPLANATORY NOTE

The Philippines is blessed with copious amount of water with a total annual renewable water resources of 479 billion cubic meters (m^3) from its surface water and groundwater sources. This translates into an annual per capita availability of about $6,100 m^3$, which is twice that of the rest of Asia, and six times the global scarcity threshold of $1,000 m^{3.1}$.

Ironically, however, as of 2017, around 8.5 million Filipinos still have no access to clean drinking water, and have to rely on unimproved, unsafe and unsustainable water sources, according to the National Water Resource Board.

Aside from access to clean water, water contamination remains a pressing issue, with heavy inorganic pollutants present in drinking water sources. According to environmental organization Greenpeace, five out of 18 artesian wells in Benguet and Bulacan were found to contain nitrate levels well above the safety limit set by the World Health Organization.² Inorganic contaminants such as nitrate may cause serious health problems to the population, and may even lead to death.³ For example, in 2011, 11 people

¹ Philippines: Water Supply and Sanitation Sector Assessment, Strategy, and Road Map. Mandaluyong City, Philippines: Asian Development Bank, 2013.

² 2018, March 8. When water causes diseases and deaths. Retrieved from: <https://businessmirror.com.ph/2018/03/08/when-water-causes-diseases-and-deaths/> (date last accessed: July 9, 2019).

³ *Id.*

from Barangay Valencia, Cebu died due to typhoid fever after drinking water from unsafe water sources.⁴

Thus, prolonged inaction on this issue may lead to a rise in foodborne and waterborne diseases. According to Elizabeth Dowdeswell, the Executive Director of the United Nations Environment Program, "an estimated one-half of people in developing countries are suffering from diseases caused either directly by infection through the consumption of contaminated water or food, or indirectly by disease-carrying organisms such as mosquitoes, that breed in water."⁵ In the case of the Philippines, 50% of typhoid cases are due to water pollution, sanitation conditions and hygiene practices. In fact, from January to April 2018 alone, the Department of Health recorded 5,455 cases of typhoid fever that resulted in 10 reported cases of death.⁶

Given this, it is imperative that the State play an active role in ensuring all Filipinos have safe and potable drinking water by implementing a comprehensive management program on water safety planning, including water quality surveillance, adoption of risk management strategies for the protection of water supply systems, and the use of appropriate tools and instruments to properly monitor and enforce quality drinking water standards. This bill seeks to amend the existing provisions of the Sanitation Code of the Philippines on water supply. Among others, it requires the physical, bacteriological and general systematic chemical and over-all examination of water quality every two months. The result of such testing must be submitted to the Department of Health (DOH) for appropriate action and to the consumers so that they will be properly apprised of the quality of the water they are consuming.

This bill also requires all water service providers to prepare a water safety plan, and submit the same to the DOH for approval. They shall also furnish their customers an annual consumer confidence report which must include information regarding their current treatment techniques, monitoring procedures, and level of contaminants in the water system, among others.

The immediate passage of this bill is earnestly sought.



SENATOR JOEL VILLANUEVA

⁴ *Id.*

⁵ *Id.*

⁶ Food and Waterborne Diseases Monthly Surveillance Report No. 4. Department of Health. January to April 2018. Retrieved from: <https://www.doh.gov.ph/sites/default/files/statistics/2018%20Food%20and%20Water%20Borne%20Diseases%20Morbidity%20Week%201-21.pdf> (date last accessed: July 11, 2019).

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Office of the Secretary

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Introduced by SENATOR JOEL VILLANUEVA

**AN ACT ENSURING SAFE DRINKING WATER,
AMENDING FOR THE PURPOSE PRESIDENTIAL DECREE NO. 856,
OTHERWISE KNOWN AS THE CODE ON SANITATION OF THE
PHILIPPINES AND FOR OTHER PURPOSES**

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

1 **SECTION 1. Short Title.** – This Act shall be known as the "Safe Drinking
2 Water Act."

3
4 **SEC. 2. Declaration of Policy.** – The State shall pursue a policy of ensuring
5 the health of the Filipino people through the provision of safe drinking water.
6 Towards this end, the State shall promote the use of appropriate tools and
7 instruments and control mechanisms and adopt risk management strategies
8 for the protection of the entire water supply system against contamination
9 that will adversely affect human health. The State shall also implement a
10 comprehensive management program on water safety planning including
11 water quality surveillance that ensures the safety of drinking water in all
12 settings and ensure compliance with national standards for drinking water
13 and other environmental laws affecting drinking water quality.

14
15 **SEC. 3. Section 11 of Presidential Decree No. 856 is hereby amended to
16 read as follows:**

17
18 **Section 11. Types of Water Examinations Required**

19
20 The following examinations are required for drinking water:

21
22 (a) Initial examination. The physical, chemical and bacteriological
23 examinations of water from newly constructed systems or sources are
24 required before they are operated and opened for public use.

1 Examination of water for possible radio-active contamination should
2 also be done initially.

3
4 (b) Periodic examination. Water from existing sources is subject to
5 PHYSICAL, CHEMICAL, bacteriological AND OVER-ALL QUALITY
6 examination as often as possible but the interval shall not be longer
7 than [six] TWO months, [while general systematic chemical examination
8 shall be conducted every 12 months or oftener. Examination of water
9 sources shall be conducted yearly for possible radioactive
10 contamination,] UNLESS OTHERWISE REQUIRED BY THE
11 DEPARTMENT THROUGH APPROPRIATE REGULATIONS;
12 PROVIDED, THAT NOTHING HEREIN SHALL RESTRICT THE
13 DEPARTMENT FROM CONDUCTING RANDOM WATER QUALITY
14 EXAMINATION AS OFTEN AS IT MAY DEEM NECESSARY AND
15 PROPER.

16
17 **SEC. 4.** New Section 11-A and Section 11-B of Presidential Decree No. 856
18 are hereby inserted to read as follows:

19
20 **SECTION 11-A. PERMITS REQUIRED**

21 DRINKING WATER SERVICE PROVIDERS, WATER LABORATORIES
22 AND OTHER ESTABLISHMENTS WITH DRINKING WATER
23 SYSTEMS CATERING TO THE PUBLIC SHALL BE REGISTERED
24 WITH THE DEPARTMENT. FOR THIS PURPOSE, THE FOLLOWING
25 PERMITS SHALL BE SECURED FROM THE DEPARTMENT OR
26 LOCAL HEALTH AUTHORITIES, AS THE CASE MAY BE:

- 27
28 a) CERTIFICATE OF POTABILITY OF DRINKING WATER TO
29 OBTAINED BY DRINKING WATER SERVICE PROVIDERS;
- 30
31 b) CERTIFICATE OF ACCREDITATION TO BE OBTAINED BY ALL
32 WATER LABORATORIES AND TRAINING INSTITUTIONS THAT
33 SHALL PARTICIPATE IN THE DRINKING WATER SAFETY
34 PROGRAM;
- 35
36 c) CERTIFICATE OF PRODUCT REGISTRATION OF WATER
37 SUPPLY MATERIALS, APPURTEANCES, TREATMENT
38 TECHNOLOGIES OR DEVICES TO BE OBTAINED BY ALL
39 ENTITIES ENGAGED IN THE PROVISION OF DRINKING
40 WATER SUPPLY TO THE PUBLIC;
- 41
42 d) CERTIFICATE OF PROFICIENCY TO BE OBTAINED BY ALL
43 INDIVIDUALS WHO WILL CONDUCT CAPACITY BUILDING
44 ACTIVITIES ON WATER QUALITY ANALYSIS, WATER
45 QUALITY TREATMENT, WATER QUALITY MONITORING AND
46 WATER SAFETY PLANNING FROM THE DEPARTMENT;
- 47
48 e) CERTIFICATE OF WATER SAFETY PLAN ACCEPTANCE;
- 49
50

- 1 f) DRINKING WATER SITE CLEARANCE TO BE OBTAINED BY
2 ALL PERSONS OR ENTITIES INTENDING TO DEVELOP A
3 DRINKING WATER SYSTEM FOR PUBLIC CONSUMPTION;
4 PROVIDED, THAT NO DRINKING WATER SYSTEM SHALL BE
5 INSTALLED AND OPERATED WITHOUT SUCH CLEARANCE;
- 6 g) OPERATIONAL PERMIT, WHICH MUST BE OBTAINED
7 BEFORE USING A DRINKING WATER SYSTEM;
- 8 h) SANITARY CLEARANCE FOR ALL WATER DELIVERY
9 VEHICLES, MOBILE WATER TANKERS AND SIMILAR
10 VEHICLES, INCLUDING ITS APPURTENANCES.

12 COVERED ESTABLISHMENTS SHALL ALSO REGISTER PORTABLE
13 WATER TEST KITS AND WATER TREATMENT TECHNOLOGY OR
14 DEVICES WITH THE DEPARTMENT.

17 SECTION 11-B. WATER SAFETY PLAN

19 WITHIN ONE (1) YEAR FROM THE EFFECTIVITY OF THIS ACT, ALL
20 DRINKING WATER SERVICE PROVIDERS SHALL DEVELOP
21 WATER SAFETY PLANS FOR THEIR WATER SUPPLY SYSTEMS,
22 AND ENSURE ITS IMPLEMENTATION AFTER ITS APPROVAL. AN
23 APPROVED WATER SAFETY PLAN SHALL BE VALID FOR THREE
24 YEARS, UNLESS SUSPENDED OR SOONER REVOKED BY THE
25 DEPARTMENT.

27 FOR THIS PURPOSE, THE DEPARTMENT SHALL DEVELOP
28 TOOLS, STANDARDS AND GUIDELINES FOR WATER SAFETY
29 PLAN PROCESSES AND SUPPORT SERVICES.

31 **SEC. 5.** Section 12 of Presidential Decree No. 856 is hereby amended to
32 read as follows:

34 Section 12. Examining Laboratories and Submission of Water Samples

36 The examination of drinking water shall be performed only in private or
37 government laboratories duly accredited by the Department. THE
38 DEPARTMENT SHALL PRESCRIBE APPROPRIATE GUIDELINES
39 WITH RESPECT TO THE CONDUCT, MANNER AND MEASURES
40 REQUIRED FOR THE EXAMINATION OF DRINKING WATER
41 QUALITY.

43 It is the responsibility of operators of water systems to submit to
44 accredited laboratories water samples for examination in a manner and
45 at such intervals prescribed UNDER SECTION 11 OF THIS ACT OR by
46 the Department THROUGH APPROPRIATE REGULATIONS.

48 THE RESULTS OF SUCH MONITORING SHALL BE SUBMITTED TO
49 THE DEPARTMENT FOR APPROPRIATE ACTION, AND TO THE

1 CONSUMERS CONCERNED. THE SAME SHALL ALSO BE POSTED
2 CONSPICUOUSLY IN THE ESTABLISHMENT.

3
4 IN THE EVENT THAT THE ESTABLISHMENT FAILS TO COMPLY
5 WITH AN APPLICABLE MAXIMUM CONTAMINANT LEVEL, OR FAILS
6 TO COMPLY WITH THE TREATMENT TECHNIQUE REQUIRED BY
7 THE DEPARTMENT, OR FAILS TO PERFORM SUCH MONITORING,
8 THE DEPARTMENT SHALL BE AUTHORIZED TO ORDER THE
9 IMMEDIATE SUSPENSION OF THE OPERATIONS OF THE
10 ESTABLISHMENT OR TAKE OTHER STEPS AS MAY BE
11 NECESSARY TO ENSURE THE SAFETY OF DRINKING WATER.

12 THE DEPARTMENT SHALL PROMPTLY NOTIFY THE PUBLIC OF
13 SUCH OCCURRENCE, AT THE EXPENSE OF THE CONCERNED
14 ESTABLISHMENT. THE NOTICE SHALL CONSIST OF, BUT NOT
15 LIMITED TO, THE FOLLOWING:

- 16 a) NATURE OF THE VIOLATION;
- 17 b) CONTAMINANT LEVEL OF WATER SUPPLY;
- 18 c) POTENTIAL HEALTH EFFECTS TO THE POPULATION;
- 19 d) POPULATION AT RISK;
- 20 e) STEPS BEING TAKEN TO CORRECT VIOLATION;
- 21 f) TELEPHONE NUMBER OR CONTACT NUMBER OF THE
22 OWNER, OPERATOR OR DESIGNEE OF THE PUBLIC WATER
23 SYSTEM;
- 24 g) NECESSITY OF SEEKING ALTERNATIVE WATER SUPPLIES;
25 AND
- 26 h) PREVENTIVE MEASURES THAT SHALL BE TAKEN BY
27 CONSUMERS UNTIL THE VIOLATION IS CORRECTED.

37 **SEC. 6.** A new Section 12-A is hereby inserted to read as follows:

38 **SECTION 12-A. CONSUMER CONFIDENCE REPORT**

41 A DRINKING WATER SERVICE PROVIDER SHALL FURNISH ITS
42 CUSTOMERS AN ANNUAL REPORT ON THE QUALITY OF THE
43 DRINKING WATER IT PROVIDES AND THE CONTAMINANTS, IF
44 ANY, FOUND THEREIN.

45 THE ANNUAL REPORT SHALL INCLUDE, BUT NOT BE LIMITED TO,
46 THE FOLLOWING:

- 1 a) INFORMATION ON THE SOURCE OF THE WATER
2 DISTRIBUTED;
- 3 b) ENUMERATION OF PRIMARY PARAMETERS INDICATED BY
4 THE PHILIPPINE NATIONAL STANDARDS FOR DRINKING
5 WATER (PNSDW);
- 6 c) MAXIMUM CONTAMINANT LEVEL INDICATED BY PNSDW;
- 7 d) CURRENT TREATMENT TECHNIQUES UTILIZED BY THE
8 DRINKING WATER SERVICE PROVIDER;
- 9 e) MONITORING PROCEDURES UTILIZED BY THE DRINKING
10 WATER SERVICE PROVIDER;
- 11 f) LEVEL OF CONTAMINANT IN THE WATER SYSTEM WITHIN
12 THE YEAR;
- 13 g) ANY CONTAMINANT FOR WHICH THERE HAS BEEN A
14 VIOLATION OF THE MAXIMUM CONTAMINANT LEVEL
15 DURING THE YEAR CONCERNED, AND A BRIEF STATEMENT
16 IN PLAIN LANGUAGE REGARDING THE HEALTH CONCERNS
17 THAT RESULTED IN THE REGULATION OF THE
18 CONTAMINANT, AS PROVIDED BY THE DEPARTMENT;
- 19 h) INFORMATION ON THE LEVELS OF UNREGULATED
20 CONTAMINANTS IDENTIFIED BY THE DEPARTMENT;
- 21 i) A STATEMENT THAT THE PRESENCE OF CONTAMINANTS IN
22 THE DRINKING WATER DOES NOT NECESSARILY INDICATE
23 THAT THE DRINKING WATER POSES A HEALTH RISK AND
24 THAT MORE INFORMATION ABOUT CONTAMINANTS AND
25 POTENTIAL HEALTH EFFECTS CAN BE OBTAINED BY
26 CALLING THE DEPARTMENT;
- 27 j) MEASURES THAT MAY BE ADOPTED BY THE CONSUMERS
28 TO KEEP THEIR WATER SUPPLY FREE FROM
29 CONTAMINATION; AND
- 30 k) SUCH OTHER ADDITIONAL INFORMATION AS THE
31 DEPARTMENT DEEMS APPROPRIATE FOR PUBLIC
32 EDUCATION.

33
34 THE ANNUAL REPORT SHALL BE PROVIDED TO CONSUMERS
35 EVERY TWELVE (12) MONTHS THROUGH ELECTRONIC MEDIA,
36 HAND DELIVERY, POSTING, OR OTHER METHODS APPROVED BY
37 THE DEPARTMENT.

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1 **SEC. 7. Penalties.** – A water service provider that fails to comply with the
2 provisions of this Act shall be liable for a fine of Fifty Thousand Pesos
3 (Php50,000.00) for every day of continuing violation, without prejudice to any
4 other penalties that may be imposed upon it in accordance with other
5 relevant laws, rules and regulations.

6
7 **SEC. 8. Appropriations.** – The amount necessary to effectively carry out the
8 provisions of this Act shall be included in the General Appropriations Act.
9

10 **SEC. 9. Implementing Rules and Regulations.** – The Department of
11 Health, in consultation with the concerned stakeholders and relevant
12 government agencies, shall promulgate the implementing rules and
13 regulations for the effective implementation of this Act within ninety (90) days
14 from the effectivity of this Act.
15

16 **SEC. 10. Repealing Clause.** – All laws, decrees, orders, ordinances, rules
17 and regulations or parts thereof inconsistent with this Act are hereby
18 repealed or modified accordingly.
19

20 **SEC. 11. Separability Clause.** – If any provision of this Act is declared
21 unconstitutional or invalid, the remainder of the Act shall not be affected by
22 such declaration.
23

24 **SEC. 12. Effectivity.** – This Act shall take effect fifteen (15) days from the
25 date of its publication in the Official Gazette or in at least two (2) newspapers
26 of general circulation.
27

28 **Approved,**