CONGRESS OF THE PHILIPPINES
THIRTEENTH CONGRESS
First Regular Session

HOUSE OF REPRESENTATIVES

House Bill No. 1158

INTRODUCED BY **HON. CYNTHIA A. VILLAR**

EXPLANATORY NOTE

Although cholera has ceased to be a widespread disease in the country, it has remained prevalent in the Philippines. At the same time, diarrhea remains the third leading cause of infant mortality in the country. It is also the second leading cause of child morbidity.

It is deplorable that the hundreds of deaths from cholera and diarrhea were caused by the lack of access to a safe supply of water. Based on Department of Health (DOH) figures, 11 million Filipinos have no access to safe drinking water. A recent survey of the National Statistics Office revealed that over two million households in the country get their water supply from unsafe sources, such as rivers, streams, creeks and collected rainwater. In Western Mindanao, around 200,000 households have been waiting for years for the government to help them gain access to safe water.

To implement Sec. 9 of Republic Act (RA) 856, otherwise known as the Sanitation Code of the Philippines, the DOH issued the National Standards for Drinking Water. It was first promulgated in 1978 and was subsequently revised in 1993. The Philippine National Standards for Drinking Water (PNSDW) sets the requirements for the acceptable values of microbiological, physical, chemical and radiological composition of water. It serves as a guide for developers, operators of water supply systems, and health and sanitation authorities in maintaining the quality of drinking water.

Despite the issuance of the PNSDW, however, water being supplied to the public does not consistently meet the acceptable standards of quality. A water quality evaluation done by the Metropolitan Waterworks and Sewerage System (MWSS) in 1994 showed that 35 per cent of the samples collected from the public deep-wells in Metro Manila were non-potable. The non-potability of the water was attributed to the poor maintenance of public wells and degradation of their physical surroundings.

The 1993 report of the Local Water Utilities Administration (LWUA) on the water quality status of water districts showed that several water districts do not comply with the national standards for drinking water. Moreover, perceived as a contributing factor to the "poor quality" of water supply is the lack of enforcement of the PNSDW and the absence of a monitoring mechanism to ensure water potability.

To ensure safety, this bill mandates that water supplied to the public must meet the requirements established by the Philippine National Standards for Drinking Water. The Secretary of Health shall have the primary authority to enforce the PNSDW. The bill aims to compel water suppliers to comply with the national standards by providing a reasonable period for compliance and by meting out penalties such as payment of fines and even revocation of license for subsequent offenses.

The Metro Manila Drinking Water Quality Committee was formed in 1993 to evaluate water quality in Metro Manila. It was composed of the MWSS Administrator, the Director of the Environmental Management Bureau, the Regional Director of the Department of Health (DOH)-NCR, and the Directors of the Environmental Health Service and the Bureau of Research and Laboratories of the DOH. The Committee has conducted regular surveillance of drinking water in Metro Manila and has provided corrective measures or technical advice during outbreaks of water-borne diseases.

This bill seeks to replicate the Drinking Water Quality Committee in every province to ensure a system of monitoring the potability of drinking water nationwide. The committee shall be composed of representatives from the DOH as the lead agency, the local health board, the LWUA, the Department of Public Works and Highways (DPWH), the Department of Environment and Natural Resources (DENR), water suppliers, non-government organizations and consumer groups. Moreover, the bill also seeks to grant the President of the Philippines emergency powers to take measures to protect public health and safety, upon receipt and confirmation of reports that a public water system or underground water source poses an imminent danger to public health, and that appropriate national and local authorities have failed to take remedial measures.

The protection of water sources is a key factor in ensuring the safety of water supply. Hence, this bill also provides for the development of a management plan for critical aquifer protection areas and the protection of underground sources of water.

Passage of this bill is earnestly requested to ensure the safety of our water supply for the health and welfare of our people.

CYNTHIA A. VILLAR

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AN ACT PROMULGATING THE PHILIPPINE NATIONAL STANDARDS FOR DRINKING WATER, PROVIDING PENALTIES FOR VIOLATIONS THEREOF, AND FOR OTHER PURPOSES

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

ARTICLE I

GENERAL PROVISIONS

SECTION 1. *Short Title.* - This Act may be cited as the "Safe Drinking Water Act of 2004".

SEC. 2. *Declaration of Policy.* - It is hereby declared the policy of the State to protect, conserve and develop its water resources. The establishment and maintenance of a comprehensive national regulatory system that will consider the quality of source waters, the protection afforded by water-shed management, treatment practices and other factors to ensure that drinking water is safe for human consumption shall be accorded importance as a national policy.

SEC. 3. *Definition of Terms.* - For purposes of this Act, the following terms are defined as follows:

a. "Aquifer" - areas where ground water exists in sufficient

b. "Contaminant" - any physical, chemical, biological, or radiological substance not normally found in water that makes the water less desirable or unfit for human consumption.

c. "Drinking Water" - water intended for direct human consumption or for use in food preparation.

d. "Critical aquifer protection area" - shall refer to all or part of an area for which an application or designation as a sole or principal source aquifer has been submitted and approved by the National Water Resources Board;

e. "Ground Water" - a major source of fresh water; it starts as rain, then soaks through the grounds surface and fills up the tiny spaces between rocks and soil.

f. "Lead free" - (1) shall refer to solders and flux containing not more than 0.2 percent lead; and (2) shall refer to pipes and pipe fittings containing not more than 8.0 percent lead.

g. "Level I (Point Source)" - a protected well or a developed spring with an outlet but without a distribution system, generally adaptable for rural areas where the houses are thinly scattered. A Level I facility normally serves around 15 to 25 households and its outreach must not be more than 250 meters from the farthest user. The yield or discharge is generally from 40 to 140 liters per minute.

h. "Level II (Communal Faucet System or Stand-posts)" - a system composed of a source, a reservoir, a piped distribution network and communal faucets, located at not more than 25 meters from the farthest house. The system is designed to deliver 40-80 liters of water per capita

per day to an average of 100 households, with one faucet per 4 to 6 households. Generally suitable for rural and urban areas where houses are clustered densely to justify a simple piped system.

i. "Level III (Waterworks System or Individual House Connections)" - a system with a source, a reservoir, a piped distribution network and household taps. It is generally suited for densely populated urban areas. This level of facility requires a minimum treatment of disinfection.

j. "Public water system" - a system for the provision to the public of pipe or point source water facility for human consumption, if such system has at least fifteen service connections or regularly serves twenty-five individuals.

The term includes:

j.1. Any collection, treatment, storage, and distribution facilities under the control of the operator of such system and used primarily in connection thereto; and

j.2. Any collection of pre-treatment storage facilities not under the control of the operator of the system, which are used primarily in connection with such system.

k. "Secretary" - shall refer to the Secretary of the Department of Health.

1. "Water Quality" - the term is used to define the bacteriological, chemical, physical, biological, or radiological composition which evaluates the acceptability of the water.

m. "Water Supplier" - an entity, government or private, responsible for source development, water abstraction, treatment and distribution of water.

ARTICLE II

PHILIPPINE NATIONAL STANDARDS FOR DRINKING WATER

SEC. 4. *Philippine National Standards for Drinking Water.* - Drinking water supplied to the public must meet the requirements established by the Philippine National Standards for Drinking Water of the Department of Health, which sets the acceptable values for the microbiological, physical, chemical, and radiological composition of the water to ensure its safety and potability. The Philippine National Standards for Drinking Water shall cover water supply systems classified as Level I, Level II and Level III; bottled drinking water; and emergency supplies of drinking water.

The selection of treatment processes to meet micro-biological and chemical requirements shall be made after careful detailed survey of the source, watershed and their distribution system in accordance with the treatment techniques and criteria prescribed by the Secretary and with the rules and regulations issued by the Department of Environment and Natural Resources on water usage and classification.

The Secretary of Health shall have the primary authority to enforce the Philippine National Standards for Drinking Water.

The Secretary shall continuously review, and If necessary, revise and update the Philippine Standards for Drinking Water with the end in view of advancing public health by improving water quality. To achieve such objective, the Department of Health, in coordination with the Department of Environment and Natural Resources, the Metropolitan Waterworks and Sewerage System, the Local Water Utilities Administration and other scientific organization, shall conduct research studies such as, but not

limited to, monitoring the changes in the acceptable or safe level of water contaminants; determining the existence of unknown water contaminants that may have adverse effect on health; and on exploring indigenous water treatment techniques. Toward the same end, the Department of Health, in cooperation with local government units, shall upgrade water laboratory facilities and services in water quality surveillance.

The Department of Health shall also conduct training and provide technical assistance to local government units, water sanitary engineers and water suppliers on the implementation of the Philippine National Standards for Drinking Water.

SEC. 5. *Drinking Water Quality Committee.* - A Drinking Water Quality Committee composed of representatives from the Department of Health as the lead agency, the Local Water Utilities Administration, the Department of Environment and Natural Resources, the Department of Public Works and Highways, the Metropolitan Waterworks and Sewerage System, the local government unit, water suppliers, non-government organizations and consumer groups shall be formed in every province to monitor and assess the potability and safety of drinking water. The Drinking Water Quality Committee shall cause the:

1) Regular collection and examination of water samples from representative sampling points within the water distribution system in the province;

2) Evaluation of laboratory results and their compliance based on the Philippine National Standards for Drinking Water;

3) Conduct of immediate sanitary surveys and ocular inspection for

suspected contaminated sources;

4) Application of measures to control deficiency in the water supply; and

5) Provision of technical assistance to public water systems in undertaking remedial, measures to improve water quality.

The Secretary or his representative, in consultation with local government officials, shall choose the non-government organizations and consumer groups which may participate in the Drinking Water Quality Committee.

The Drinking Water Quality Committee shall submit the results of its survey to the Secretary of Health or his representative who shall notify the water supplier of its failure to comply with the national standards and prescribe the remedial measures to be undertaken.

SEC. 6. *Period of Compliance.* - Water suppliers shall be given a reasonable period of time, as determined by the Secretary, to comply with the Philippine National Standards for Drinking Water: *Provided,* That the violation of the national standards shall not pose an imminent risk to public health. The gravity of the risk to public health shall be defined by the Secretary. Water suppliers who fail to undertake corrective measures and to comply with the national standards within the given period of time shall be liable to administrative penalties provided in this Act: *Provided,* That they shall be given an opportunity to explain their non-compliance in an administrative hearing conducted by the Secretary or his representative.

SEC. 7. *Public Notification.* - Water suppliers shall notify its consumers of any failure to comply with the Philippine National