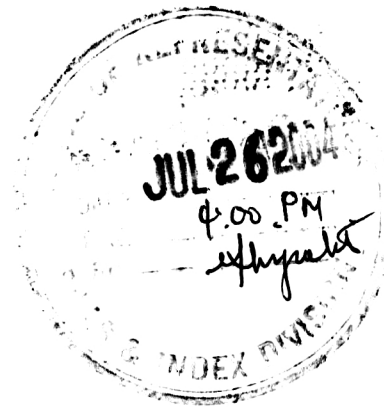



Republic of the Philippines
**HOUSE OF REPRESENTATIVES**
Quezon City

THIRTEENTH CONGRESS

First Regular Session

HOUSE BILL NO. 1640

Introduced by **HON. JUAN MIGUEL F. ZUBIRI**

## EXPLANATORY NOTE

In recent years the deterioration of the quality of potable water in many urban areas, has led to the proliferation of numerous companies and franchise refill stations selling bottled or potable water refills. These water products are advertised and described as mineral, spring, pure or distilled water. They are now found in nearly every nook and cranny in the metropolis and urban areas across the country and patronized by a growing number of our countrymen on a regular basis.

This bill seeks to protect the health and welfare of the public by regulating the drinking water business so as to ensure that they comply with health standards and are consistent with their advertisement.

In view of the foregoing, the early passage of this legislative measure is earnestly sought.

**JUAN MIGUEL F. ZUBIRI**
Representative
3rd District, Bukidnon

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**AN ACT**
**REGULATING THE DRINKING WATER BUSINESSES AND FOR OTHER PURPOSES**

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

**SECTION 1.** *Short Title.* – This Act shall be known as the Drinking Water Business Act of 2004.

**SECTION 2.** *Policy.* – It is the policy of the State to protect and promote the health of the people. Towards this end, it shall ensure that potable, safe and affordable drinking water is available to all the people by adopting a comprehensive policy framework to regulate the activities of the drinking water businesses.

**SECTION 3.** *Definition of Terms.* – Under this Act:

a. "Approved water source" refers to the source of water, either spring, drilled well, public or community water system or any other source that has been inspected and the water sampled, analyzed and found safe and sanitary, with or without treatment, in accordance with prescribed quality standards.

b. "Bottled water" refers to water that is intended for human consumption and that is sealed in bottles or other containers with no added ingredients except that it may optionally contain safe and suitable anti-microbial agents and may optionally contain minerals such as, but not limited to fluorides, chlorides, carbonates and sulfates, including flavoring within limitations established by the bottler's country. Bottled water may be used as an ingredient in beverages such, but not limited to diluted juices and flavored bottled waters. It does not include those food ingredients that are

declared in ingredient labeling as "water" and or carbonated, disinfected, filtered, seltzer, soda, sparkling and tonic water.

c. "Bottled water business" refers to the selling for profit, either wholesale or retail, of bottled water. It includes any and all activities concerning the procurement, production, processing, promotion, advertising and selling of such product.

d. "Consumer" refers to a natural person who is a purchaser, lessee, recipient or prospective purchaser, lessor or recipient of a consumer product, services or credit.

e. "Dringking water" refers to water intended for human consumption or for use in food preparation.

f. "Water refill station business" refers to the selling for profit either wholesale or retail of water placed in refillable water containers or in customer's containers in refilling stations.

**SECTION 4.** *Coverage.* – This Act shall apply to all types of drinking water businesses that shall include both the bottled water and water refill station business.

**SECTION 5.** *Registration.* – Any person who wishes to engage in the drinking water business shall secure the appropriate water business certificate to be issued by the Department of Trade and Industry (DTI). The certificate shall contain all such information needed as determined by the DTI. The water business certificate shall be a requirement precedent to the application for local business permits, clearances and licenses.

**SECTION 6.** *Responsibility of Owners/Proprietors, Operators and Producers.* – Owners, proprietors and operators of water refill stations and producers of bottled water are responsible for ensuring, through good manufacturing practices, appropriate manufacturing techniques and sufficient quality control procedures provided for in existing laws, rules and regulations, that all refilled and bottled water products sold to consumers comply with the World Health Organization (WHO) Guideline for Drinking Water.

**SECTION 7.** *Source Water Protection.* – The Department of Health (DOH) and local government units concerned shall coordinate and establish a Local Drinking Water Quality Monitoring Committee that shall institute and implement a source water protection and treatment program to prevent any contamination of ground or surface water from affecting the drinking water supplies of the community.

**SECTION 8.** *Industry Associations.* – All procedures of bottled water and owners/proprietors and operators of water refill stations are encouraged to form or join their respective industry associations.

**SECTION 9.** *Deputation of Independent Third Party Organization.* – An independent third party organization or industry association shall be deputized by the DOH for bottled water businesses and the Department of the Interior and Local Government (DILG) for water refill station businesses to monitor and report violations of law and rules and regulations: *Provided,* That these organizations shall coordinate with the respective local health officer and Bureau of Food and Drugs (BFAD) representatives in the fulfillment of their duties.

**SECTION 10.** *Responsibilities of the Bureau of Food and Drugs.* – All franchise holders of duly accredited water refill stations shall be governed by the BFAD to ensure compliance with prescribed uniform quality standards. The BFAD, in coordination with the appropriate agencies, shall promulgate the necessary rules and regulations and standards necessary for the efficient and effective implementation of this Act.

**SECTION 11.** *Councils.* – The city and municipal councils shall enact the necessary ordinances to ensure that the various laws and implementing rules and regulations concerning water refill stations are strictly enforced.

**SECTION 12.** *Additional Responsibilities and Powers.* – In addition to the powers and responsibilities mandated by existing laws, rules and regulations, the local health authority, upon the recommendation of the local health officer shall:

a. Suspend operations of water refill stations if found to have violated any of the laws and existing rules and regulations; and

b. Prohibit the sale of water products that do not comply with regulations and standards and/or order the recall or withdrawal from the market of any water product that has been found unsuitable for human consumption.

**SECTION 13.** *Penalties.* – A fine not exceeding Ten Thousand Pesos (P10,000.00) or imprisonment of not more than six (6) months, or both, at the discretion of the court shall be imposed on any person who:

a. Violates, disobeys, refuses without reasonable cause, omits or neglects to comply with any provision of the laws, rules and regulations on the bottled water and water refill station industries;

b. Interferes with or hinders, or opposes any officer, agent or member of the DOH or DILG or the bureaus or agencies under it, in the performance of his duty as such under this law; and

c. Willfully tears down or mutilates, defaces or alters any placard or notice affixed to premises in the enforcement of the law, its rules and regulations.

Subsequent violations shall be punished by a fine not exceeding Fifty Thousand Pesos (P50,000.00) or imprisonment of not more than one (1) year, or both, at the discretion of the court. In addition, the business permits and licenses to operate of violators shall be revoked or cancelled.

**SECTION 14.** *Repealing Clause.* – All other laws, decrees, and proclamations, rules and regulations inconsistent with this Act are hereby repealed, amended or modified accordingly.

**SECTION 15.** *Separability Clause.* – If any provision herein is declared unconstitutional, the other provisions not affected shall remain in full force and effect.

**SECTION 16.** *Effectivity.* – This Act shall take effect after fifteen (15) days following its publication in the Official Gazette or in at least two (2) national newspapers of general circulation.

Approved,