

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

THIRTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 2589

Introduced by: HON. HERMINIA M. RAMIRO

EXPLANATORY NOTE

The proliferation of water business has brought to fore the growing health consciousness of the Filipino people in all walks of life. Every street corner in the metropolis and even in some provinces can be seen water filling stations either owned by big time companies or small time entrepreneurs.

Considering the volumes of water being dispensed by these water stations, there is a need for the State to determine whether they complied with high quality standards being imposed by the government on such kind of business as the health of the people will be directly compromised.

It is in this light that this important legislation seeks to regulate the business of producing and selling mineral, pure or distilled water in order for the government to have a direct hand in this business so that the right to health of the people will be protected. It is sad to note the great risks that unsafe drinking water poses to our people and this situation requires intervention by the government to deter possible incidence of epidemic caused by unsafe drinking water.

The foregoing reasons warrant the immediate approval of this bill.


HERMINIA M. RAMIRO

Representative
Second District, Misamis Occidental

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AN ACT
TO REGULATE THE DRINKING WATER BUSINESS 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.”

SEC. 2. *Policy.* – It is the policy of the State to protect the right to health of the people and promote health consciousness among them. 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 business.

SEC. 3. *Definition.* - As used in this Act, the following terms shall mean:

- (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 have been sampled, analyzed and have been found to be safe and sanitary, with or without treatment, in accordance with the 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 the limitations established by the bottler’s country. Bottled water may be used as an ingredients in beverages such as, 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) **Drinking 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 in refilling stations.

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

SEC. 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.

SEC. 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 duly complied with the World Health Organization (WHO) Guideline for Drinking Water.

SEC. 7. Source Water Protection. – The Department of Health (DOH) and local government unit shall coordinate and establish a Local Drinking 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.

SEC. 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.

SEC. 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 Interior and Local Government (DILG) for water refill station businesses to monitor and report violations of laws and rules and regulations: Provided, that these organizations shall coordinate with their respective local health officer and Bureau of Food and Drugs (BFAD) representatives in the fulfillment of their duties.

SEC. 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.

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

SEC. 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:

- (1) Suspend operations of water refill stations if found to have violated any of the laws and existing rules and regulations; and
- (2) 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.

SEC. 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.

A fine of not exceeding One hundred thousand pesos (P100,000.00) or imprisonment of not exceeding one (1) year or both at the discretion of the court, shall be imposed person for subsequent violations thereof. In addition, the business permits and licenses to operate of violators shall be revoked or cancelled.

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

SEC. 15. Effectivity. - This Act shall take effect upon its approval.

Approved,