

Republic of the Philippines
House of Representatives
Quezon City

Thirteenth Congress

First Regular Session

HOUSE BILL NO. 131



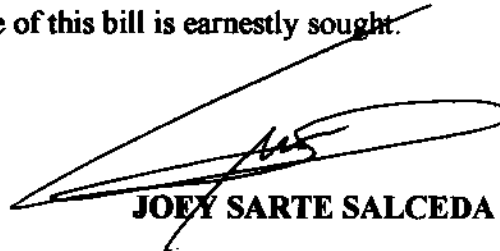
Introduced by **Representative JOEY SARTE SALCEDA**

EXPLANATORY NOTE

This bill seeks to regulate the business of producing and selling mineral, pure or distilled water. It also protects and safeguards the health of the citizens by insuring that the water they procure and consume are to drink as promoted and advertised by drinking water suppliers, distributors, or sellers.

The threat that unsafe drinking water poses on human health necessitates the regulation of water business companies as contaminants in drinking water can cause the incidence of gastrointestinal infections, diarrhea, dysentery, hepatitis, damage to the nervous system and other related illness.

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



JOEY SARTE SALCEDA

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Introduced by Representative JOEY SARTE SALCEDA

AN ACT
REGULATING THE DRINKING WATER BUSINESSES AND FOR OTHER PURPOSES

Be it enacted by the Senate and 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 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.

SEC. 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 the limitations established by the bottler's country. Bottled water may be used as an ingredient 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 or in customer's 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 comply with the World Health Organization (WHO) Guideline for Drinking Water.

SEC. 7. *Source Water Protection.* – The Department of Health (DOH) and local government unit 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.

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 the 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 the 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 water 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.

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.

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

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

Approved,