

FIFTEENTH CONGRESS OF THE )  
REPUBLIC OF THE PHILIPPINES )  
Second Regular Session )



HOUSE of REPRESENTATIVES  
House Bill No. 5344

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Introduced by: MA. THERESA B. BONOAN-DAVID  
4<sup>th</sup> District, City of Manila

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### EXPLANATORY NOTE

The Constitution, Article 11, Section 15 provides:

“The State shall protect and promote the right to health of the people and instill health consciousness among them.”

The Philippines is a country that is often hit by typhoons and other forms of heavy precipitation. This causes flooding in most parts of the country. There is a need to protect children who wander into drainage systems particularly when an area is flooded and the drainage system can hardly be seen.

This bill seeks to have a uniform standard of safeguards that will be required of all governmental entities. It will prevent accidents involving people who sustain injuries or even die by falling into open drains and other similar forms of drainage.

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

MA. THERESA BONOAN-DAVID  
4<sup>th</sup> District, City of Manila

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**AN ACT PROVIDING FOR SAFETY MEASURES FOR DRAINAGE OR  
OTHER SIMILAR FLOOD OR DRAINAGE SYSTEMS MAINTAINED BY  
GOVERNMENTAL ENTITIES**

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

**SECTION 1. *Short Title.*** - This Act shall be known as "*The Drainage Safety Act of 2011*"

**SECTION 2. *Declaration of Policy.*** - It is the policy of the State to promote the general welfare of the people. Pursuant to this policy, the State shall provide for safety measures for drainage or other similar flood drainage systems managed by governmental entities.

**SECTION 3. *Duty of Governmental Entities.*** -Every governmental entity shall:

- (A) Ensure that the intake to each drainage or other enclosed flood or drainage system that the entity is responsible for maintaining is protected by a bar, grate, or other appropriate covering sufficient to ensure that a child may not be swept into the system;
- (B) Ensure that a sign warning of the hazard for a child, including the danger for injury or drowning, is clearly posted at the intake to each drainage or other enclosed flood or drainage system that the entity is responsible for maintaining;

- (C) Ensure that each drainage or other enclosed flood or drainage system that the entity is responsible for maintaining has a hinged opening or other type of opening and closing mechanism to permit emergency services personnel to access the system.

For purposes of this Act, the term drainage shall mean a sewer or drain crossing under a road or embankment, the part of a road or embankment that passes over such a sewer or drain, or the channel or conduit for such a sewer or drain.

**SECTION 4. *Repealing Clause.*** - All laws, presidential decrees, executive orders, proclamations, rules and regulations, or parts thereof which are inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

**SECTION 5. *Separability Clause.*** - If any provision of this Act is declared unconstitutional, the other provisions not affected thereby shall remain valid.

**SECTION 6. *Effectivity Clause.*** - This Act shall take effect fifteen (15) days from its publication in the Official Gazette or in at least two (2) newspapers of general.

Approved.