

1 This bill seeks to rationalize the resource management of water, sewage, and
2 sanitation through the creation of the Department of Water, Sewage, and Sanitation
3 (“Department”). Among its functions, the Department shall (1) set the policy for water
4 supply and sewage and septage management; (2) manage the country’s water resources to
5 ensure optimal use, including the preservation of land and water; (3) build, maintain,
6 and/or monitor water-related infrastructure to ensure quality and accessibility; and (4)
7 contribute to international dialogue around, and push for domestic adoption of, policies to
8 achieve universal access to water and sanitation.
9

10 To live in a community that is clean, free from human waste, and abundant with
11 safe and affordable drinking water is an utmost human right, so much so that 189 states
12 recognized the Right to Water and Sanitation at the United Nations in 2011, according to
13 the World Water Forum.² In step with the international movement, through this bill the
14 Philippines is declaring a primary political priority the universal access to water and
15 sanitation and sustainable management of water resources, forming an indispensable basis
16 for social and economic improvement and basic health and prosperity. The Philippines is
17 also committing to meeting and exceeding the Millennium Development Goals for water
18 and sanitation. To ensure Filipinos the benefit of this most fundamental human right, the
19 urgent approval of this bill is earnestly sought.
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² See About page, 6th World Water Forum, <http://www.worldwaterforum6.org/en/the-forum/about/>

FIFTEENTH (15TH) CONGRESS
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House Bill No. _____

**AN ACT CREATING THE DEPARTMENT OF WATER, SEWAGE, AND
SANITATION, AND FOR OTHER PURPOSES**

CHAPTER 1 - GENERAL PROVISIONS

a) To prioritize and seek the immediate attainment of universal access to safe, adequate, affordable, and sustainable water supply and sanitation services for all Filipinos, in particular the ignored populations such as homeless and transient persons, and adopt all necessary measures directed towards the realization of the human right to water and sanitation;

- b) To encourage State participation in and information sharing and education around best practices in the international movement to achieve universal access to water and sanitation and the integration of water, energy, environment, and food security;
- c) To strengthen and coordinate water resource planning and policy making to ensure sustainable and fair allocation and efficient use of water resources between competing water uses and users, including but not limited to domestic and municipal use, irrigation, power generation, farming, fisheries, commercial, and industrial use;
- d) To coordinate and strengthen policy and planning in relation to flood control and flood risk management in order to plan against, prevent, and reduce the detrimental and catastrophic effects of flood waters; and
- e) To secure for all public works the highest efficiency and the most appropriate quality in construction and to plan, design, construct, and maintain infrastructure facilities in accordance with national development objectives.

SEC. 3. *Definition of Terms.* – As used under this Act, the following words or terms shall have the following meanings:

- a) "Department" shall mean the Department of Water, Sewage, and Sanitation.
- b) "Flood Control" refers to methods, acts and protocols to be observed in order to prevent and reduce the detrimental and catastrophic effects of flood waters;
- c) "Flood Risk Management" refers to such acts of defining and determining the appropriate methods, acts and protocols aimed at preventing and reducing the risk of incurring loss of both life and property due to flood waters. It also includes, but is not limited to, the implementation of precautionary measures, as well as the installation of infrastructures and the determination of post-flood clean-up activities in order to arrest the residual effects of flood waters;
- d) "Sanitation" as used under this Act refers only to sewage, sanitation, and septage management.
- e) "Sewerage" shall refer to any system or network of sanitary pipelines, ditches, channels, or conduits including pumping stations, lift stations, and force mains, service connections including other constructions, devices, or appliances

1 appurtenant thereof, which includes the collection, sanitary piping transport,
2 pumping, and treatment of water-borne human or animal waste removed from
3 residences, buildings, institutions, and industrial and commercial establishments to
4 point of sewage treatment plant disposal.

5
6 f) "Sewage" shall refer to water-carried waste in solution or suspension, including
7 sanitary waste (waste products of normal living), commercial waste, industrial
8 waste, agricultural waste, and surface runoff, conveyed by a sewerage system for
9 treatment or disposal. For purposes of this Act, the definition of septage shall be
10 included in the use of sewage.

11
12 g) "Septage" shall refer to sludge produced on individual onsite wastewater disposal
13 systems, principally septic tanks and cesspools.

14
15 h) "WRC" shall mean the Water Regulatory Commission³ or to any present or future
16 water regulatory body with quasi-judicial powers and tasked to provide economic
17 and administrative regulation of water utilities.

18
19 The terms "infrastructure" and "public works" as used in this Act should be read to apply
20 only to wholly or primarily water-related projects and shall not be read to incorporate
21 projects which would not otherwise fall within the purview of the objectives, power, and
22 duties of the Department.

23 **CHAPTER 2 - ORGANIZATION**

24
25 **SEC. 4. *The Department of Water, Sewage, and Sanitation.*** – There is hereby
26 created and established the Department of Water, Sewage, and Sanitation, hereinafter
27 referred to as the "Department", which shall be organized within one hundred twenty
28 (120) days after the effectivity of this Act. The Department shall be tasked with
29 developing and implementing a comprehensive water, sewage, and sanitation program
30 for the Philippines including, but not limited to: (a) implementing necessary policy and
31 resource reforms with respect to the management of water, sewage, and sanitation; (b)
32 monitoring and evaluating compliance with the Social Contract of the President and the
33 Millennium Development Goals as they relate to water, sewage, and sanitation; (c)
34 formulating a national updated road map to address the water, sewage, and sanitation
35 requirements of the State; and (d) improving conservation of water and increasing
36 system efficiencies.

37
38 **SEC. 5. *Powers and Duties of the Department.*** – The Department shall have the
39 following powers and duties, among others:

³ Pending under HB 4137, "The Water Regulatory Act of 201 _," co-authored by Rep. Bernadette Herrera-Dy and Rep. Sonny Angara and certified as a priority measure by President Benigno S. Aquino III.

- a) Develop policies to promote universal access to safe, adequate, affordable, and sustainable water supply, sewage, and sanitation services for all Filipinos;
- b) Coordinate with the WRC and other relevant entities to provide policy directions, strategies, and targets to meet the goals and objectives for water supply, sewage, and sanitation. Such policies shall, among other things, integrate the issues of water, sewer, energy, environment, and food security;
- c) Manage and protect the country's water resources to ensure the optimal use thereof for domestic water supply, sewage, sanitation, irrigation, hydropower, navigation, flood control, and recreation, including the enhancement and maintenance of water quality, conservation of watersheds, control of water pollution, and environmental restoration, without compromising the natural ecosystem functions and services;
- d) Manage the ownership, appropriation, utilization, exploitation, development, conservation, and protection of water resources and rights to land related thereto and their competing demands,
- e) Undertake and coordinate with other agencies and government entities in data gathering, scientific research, and studies on water resources management and development, and conduct nationwide hydrologic surveys to determine the annual renewable water available per water region,
- f) Formulate and enforce rules and regulation in the administration and management of the country's water resources and implement rules and guidelines for the enforcement of water-related laws;
- g) Conduct continuing surveys and studies of the country's renewable water supply with a view towards formulating long-term policies to balance the sustainability and optimal use of water resources, defining the hydrologic boundaries of basins of the existing water supply sources, and creating and implementing countrywide masterplans for water resources management and development;
- h) Coordinate with and assist other government agencies in all aspects of data gathering, conduct studies and research, and classify and establish water quality standards for surface and ground water, including national standards for drinking water and wastewater effluence in coordination with relevant agencies;
- i) Coordinate with other relevant agencies to engage in flood control and flood risk

1 management, formulate integrated water resources management (IWRM) policies
2 and plans, and coordinate the implementation, promotion, revision, and
3 enhancement of IWRM plans;
4

- 5 j) Effect and compel inter-sectoral, inter-agency, and inter-departmental
6 coordination on water, sewage, and sanitation resources development planning
7 with the aim of operationalizing the integrated approach to water resources
8 management;
9
- 10 k) Regulate and control the utilization, exploitation, abstraction, diversion, and
11 development of water resources, taking into consideration its equitable
12 distribution, and determine the standards of beneficial and priority uses of water in
13 times of crisis and national emergencies;
14
- 15 l) Assist and provide the National Economic Development Authority (NEDA) with
16 required data and inputs from and for the water sector in the formulation of the
17 country's short-term and long-term strategic development plans and actions;
18
- 19 m) Coordinate with other relevant agencies and develop policies and plans in respect
20 of water resources used for farming, including sustainable mechanisms for
21 irrigation;
22
- 23 n) Pass upon, approve, or disapprove all plans, programs, or development projects of
24 private individuals, corporations, and government agencies, whether national or
25 local, that affect water resources, its diversion or abstraction, and the construction
26 of hydraulic facilities, including but not limited to plans and projects in watershed
27 or basin areas of water supply sources, which have direct or indirect impact on the
28 affected locality's water resources;
29
- 30 o) Review from time to time regulations prescribed by any government agency
31 pertaining to water use, exploitation, development, conservation, or protection of
32 waters, water resources, and watershed or basin areas;
33
- 34 p) Authorize its representatives or any deputized agent to enter any property of public
35 dominion or any private land, building, or enclave, whether inhabited or not, for
36 the purpose of conducting hydrologic surveys and investigations, including
37 assessing and evaluating the conditions of water facilities installed and
38 determining compliance with water laws and standards;
39
- 40 q) Require Local Government Units (LGUs) and national agencies to submit zoning
41 and land use management plans to ensure the integration of water resource

1 management plans; provided, that no zoning and land use plan shall become
2 effective and enforceable unless and until a certification of integration of water,
3 sewage, and sanitation resource management plan has been issued by the
4 Department. Should the Department have serious concerns affecting conservation
5 and sustainability of water supply, such concerns must first be resolved by the
6 Department and the concerned LGU and/or national agency. However, in the
7 absence of such concerns, the concerned LGU and/or government agency may,
8 within ninety (90) days from the submission of its zoning and land use plan and
9 after submitting to the Department a written notice of compliance with this
10 provision, proceed with the implementation of its zoning and land use plan
11 without prejudice to later integration of the water resource management plan for
12 the locality;

- 13
- 14 r) Provide technical assistance to water, sewer, and sanitation users including, but
15 not limited to, farmers and LGUs, whether directly or in coordination with other
16 agencies, to assist them in applying for water permits and providing data on water,
17 sewage, and sanitation resource usage;
- 18
- 19 s) Plan, design, construct, and maintain infrastructure facilities, flood control, and
20 water resource development systems and provide technical services for the
21 planning, design, construction, maintenance, and/or operation of the same;
- 22
- 23 t) In coordination with other relevant agencies, develop and implement effective
24 codes, standards, and reasonable guidelines to ensure the safety of all public and
25 private structures in the country and assure efficiency and proper quality in the
26 construction of water, sewage, and sanitation infrastructure;
- 27
- 28 u) Coordinate with relevant agencies, including the Department of Environment and
29 Natural Resources and the WRC, to ensure that the agencies' respective standards
30 complement each other when taken as part of a larger whole;
- 31
- 32 v) In coordination with other relevant agencies, ascertain that all plans and project
33 implementation designs are consistent with current standards and guidelines;
- 34
- 35 w) Provide the works supervision function for all public works construction and
36 ensure that actual construction is done in accordance with approved government
37 plans and specifications;
- 38
- 39 x) Assist other agencies, including LGUs, in determining the most suitable entity to
40 undertake the actual construction of water, sewage, and sanitation projects;
- 41

- 1 y) Maintain or cause to be maintained all flood control, water resource development
2 systems, and other public works throughout the country except those that are the
3 responsibility of other agencies as directed by the President of the Philippines or
4 as provided by law;
5
- 6 z) Provide integrated planning for flood control, flood risk management, and water
7 resource development and management systems, and other public works;
8
- 9 aa) Issue and promulgate rules, regulations, and guidelines as may be necessary to
10 implement and enforce its powers and functions under this Act;
11
- 12 bb) Determine and require the monitoring and submission of such data, statistics, and
13 other information as may be necessary for the effective and efficient exercise of its
14 duties, functions, powers, and responsibilities;
15
- 16 cc) Respond to consumer complaints and ensure the adequate promotion of consumer
17 interests;
18
- 19 dd) Deputize agents, whether from the public or private sector, to assist in the
20 performance of any of the powers and functions of the Department;
21
- 22 ee) Appoint, hire, and maintain adequate staff and personnel, advisers, and/or
23 consultants, with suitable qualifications and experience, as necessary;
24
- 25 ff) Exercise such other powers and functions necessary or incidental to the effective
26 administration and management of the country's water, sewer, and sanitation
27 resources;
28
- 29 gg) Exercise such other incidental powers and functions as may be necessary to attain
30 the objectives of this Act; and
31
- 32 hh) Carry out such other functions as the President may from time to time assign to the
33 Department consistent with the aims and provisions of this Act.
34

35 **SEC. 6. *Secretary of the Department of Water, Sewage, and Sanitation.*** — The
36 authority and responsibility for the exercise of the mandate of the Department and for
37 the discharge of its powers and functions shall be vested in the Secretary of the
38 Department of Water, Sewage, and Sanitation, hereinafter referred to as the Secretary,
39 who shall have supervision and control over the Department and shall be appointed by
40 the President. For such purposes, the Secretary shall:
41

- a) Advise the President on the promulgation of executive or administrative orders, regulations, proclamations, and other issuances relative to matters under the jurisdiction of the Department;
- b) Establish the policies and standards for the operation of the Department pursuant to the President's guidelines;
- c) Promulgate rules and regulations necessary to carry out Department objectives, policies and functions;
- d) Exercise supervision and control over all Bureaus and Offices under the Department;
- e) Supervise all attached agencies and corporations in accordance with law;
- f) As deemed appropriate by the Secretary, delegate authority for the performance of any power or function, as defined herein or as delegated by the President, to officers and employees under his direction; and
- g) Perform such other duties and responsibilities as may be provided by law.

No person shall be appointed Secretary unless he possesses extensive knowledge of public administration and has a minimum of ten (10) years experience in the administration of water, sewage, or sanitation programs, preferably in a public agency.

SEC. 7. Office of the Secretary. — The Office of the Secretary shall be composed of the Secretary and his immediate staff.

SEC. 8. Undersecretaries. — The Secretary shall be assisted by not more than five (5) Undersecretaries, including the Undersecretary for Global and Holistic Planning noted below, who shall be appointed by the President upon the recommendation of the Secretary. The Secretary is hereby authorized to delineate and assign the respective functional areas of responsibility of the Undersecretaries; provided, that such responsibility shall be with respect to the mandate and objectives of the Department; and provided, further, that no Undersecretary shall be assigned primarily administrative responsibilities. Within his functional area of responsibility, an Undersecretary shall have the following functions:

- a) Advise and assist the Secretary in the formulation and implementation of Department policies, plans, programs, and projects;

1 b) Supervise all the operational activities of the units assigned to him, for which he is
2 responsible to the Secretary; and
3

4 c) Perform such other duties and responsibilities as may be assigned or delegated by
5 the Secretary to promote efficiency and effectiveness in the delivery of public
6 services or as may be required by law.
7

8 The Undersecretary for Global and Holistic Planning shall have primary responsibility,
9 with the support of and in coordination with the Planning Service, for participating in
10 international dialogue to learn from and contribute to, and for advancing domestic
11 efforts in the pursuit of, the ultimate goal of universal access to water supply, sewerage,
12 and sanitation systems and sustainable management of water resources. He shall also
13 have primary responsibility for knowledge sharing and advancement of efforts around
14 the integration of water, energy, environment, and food security.
15

16 No person shall be appointed Undersecretary unless he possesses a working knowledge
17 of public administration and has a minimum of seven (7) years experience in the
18 administration of water, sewage, or sanitation programs, preferably in a public agency or
19 with legal or financial knowledge of such programs.
20

21 **SEC. 9. Assistant Secretaries.** — The Secretary shall also be assisted by six (6)
22 Assistant Secretaries appointed by the President of the Philippines upon the
23 recommendation of the Secretary: one to be responsible for the Internal Audit Services;
24 one for the Monitoring and Information Service; one for the Planning Service; one for the
25 Comptrollership and Financial Management Service; one for the Legal Service; and one
26 for the Administrative and Manpower Management Service.
27

28 No person shall be appointed Assistant Secretary unless he possesses a working
29 knowledge of public administration and has a minimum of five (5) years experience in
30 the administration of water, sewage, or sanitation programs, or other public works
31 programs.
32

33 **SEC. 10. Organizational Structure.** — The Department shall be composed of the
34 following organizational units:
35

36 a) Department Proper consisting of the Office of the Secretary, the Offices of the
37 Undersecretaries and Assistant Secretaries, the Internal Audit Service, Monitoring
38 and Information Service, Planning Service, Comptrollership and Financial
39 Management Service, Legal Service, and the Administrative Service;
40

1 b) Bureau of Research and Standards, Bureau of Design, Bureau of Construction,
2 Bureau of Maintenance, and Bureau of Equipment; and

3
4 c) Regional Offices, as deemed appropriate and necessary by the Secretary.
5

6 **SEC. 11. *Internal Audit Service.*** — The Internal Audit Service is hereby created for
7 the purpose of conducting comprehensive audit of various Department activities.
8 Specifically, it shall have the following functions:
9

10 a) Advise the Secretary on all matters relating to management control and operations
11 audit;

12
13 b) Conduct management and operations performance audit of Department activities
14 and units and determine as to the degree of compliance with established objectives,
15 policies, methods and procedures, government regulations, and contractual
16 obligations of the Department;

17
18 c) Review and appraise systems and procedures, organizational structure, assets
19 management practices, accounting, and other records, reports, and performance
20 standards (such as budgets and standard costs) of the Department Proper, Bureaus,
21 and Regional Offices;

22
23 d) Analyze and evaluate management deficiencies and assist top management to
24 solve problems by recommending realistic courses of action; and

25
26 e) Perform such other related duties and responsibilities as may be assigned or
27 delegated by the Secretary or as may be required by law.
28

29 **SEC. 12. *Monitoring and Information Service.*** — The Monitoring and Information
30 Service is hereby created to provide the Secretary timely reports on the status of various
31 Department projects and activities and develop and implement information programs for
32 mass dissemination in coordination with the appropriate government agencies. The
33 Monitoring and Information Service shall have the following functions:
34

35 a) Advise the Secretary on all matters relating to monitoring and public information;

36
37 b) Develop and maintain a system for retrieving and processing monitoring
38 information on all projects and activities of concern to the Secretary;

39
40 c) Provide accurate and timely status and exception reports to the Secretary;
41

- 1 d) Generate monitoring reports for the President, the Cabinet, or for any other
2 purpose as required by the Secretary;
- 3
- 4 e) Develop and supervise the implementation of communications programs to have
5 relevant policies, programs, and plans of the Department understood by the public;
6
- 7 f) Produce and supervise the dissemination of media materials in line with national
8 government public information programs;
9
- 10 g) Coordinate with the appropriate national government agencies tasked with public
11 information affairs; and
12
- 13 h) Perform such other related duties and responsibilities as may be assigned or
14 delegated by the Secretary or as may be required by law.
15

16 **SEC. 13. *Planning Service.*** — The Planning Service is hereby created to provide the
17 Department with the capability to undertake infrastructure development planning and
18 programming. For this purpose, it shall have the following functions:
19

- 20 a) Advise the Secretary on all matters relating to infrastructure planning;
21
- 22 b) Assist the Undersecretary for Global and Holistic Planning on all matters related to
23 the specific functions of his position detailed in Section 8;
24
- 25 c) Formulate strategies and priorities for infrastructure development consistent with
26 national development objectives and initiate or undertake relevant surveys for
27 development planning;
28
- 29 d) Formulate long-range, medium-term, and annual development plans and programs
30 for infrastructure, including flood control, water resource development systems,
31 and other public works projects, including phasing of implementation and review
32 and integrate land use plans with these water development plans;
33
- 34 e) Identify priority packages for infrastructure development, including flood control,
35 water resource development systems, and other public works projects, and
36 undertake or supervise and evaluate the conduct of feasibility studies and project
37 preparation thereof;
38
- 39 f) Prioritize project implementation and the allocation of funds and other resources
40 and package project proposals for funding and implementation;
41

- g) Evaluate and appraise all regional interregional infrastructure development plans and programs as to their feasibility and consistency with approved strategies and long and medium-term plans;
- h) Initiate regular Department-wide planning exercises and act as the secretariat thereof;
- i) Gather, analyze, and organize needed statistical data and information;
- j) Provide technical assistance related to its functions to the other Services, Bureaus, and the Regional Offices as needed; and
- k) Perform such other related duties and responsibilities as may be assigned or delegated by the Secretary or as may be required by law.

SEC. 14. *Comptrollership and Financial Management Service.* — The Comptrollership and Financial Management Service is hereby created to provide the Department with coordinated services relating to financial systems and procedures, budget, cash, accounting, and all financial housekeeping matters. For such purposes, it shall have the following functions:

- a) Advise the Secretary on all matters relating to the accounting of government expenditures and receipts, budgeting and cash management, project finances, and financial systems and procedures;
- b) Prepare budget proposals and pursue formal budget authorizations, undertake budget execution, and prepare and submit all appropriate reports to the proper offices;
- c) Develop and maintain accounting, financial, and assets management systems, procedures, and practices in the Department Proper, Bureaus, and Regional Offices;
- d) Provide assistance in its area of specialization to any unit of the Department and, when requested, to government corporations and councils attached to the Department; and
- e) Perform such other related duties and responsibilities as may be assigned or delegated by the Secretary or as may be required by law.

1 **SEC. 15. *Legal Service.*** — The Legal Service is hereby created to provide the
2 Department with services on such legal affairs as contract letting and litigation, legal and
3 legislative research, complaints and investigation, legal counseling, and other matters of
4 law. For such purposes, it shall have the following functions:

- 5
- 6 a) Advise the Secretary on all matters relating to legal affairs;
- 7
- 8 b) Prepare Department contracts and legal instruments, review and interpret all
9 contracts and agreements entered into by the Department, and evaluate all legal
10 proposals;
- 11
- 12 c) Conduct administrative investigation as well as the review of administrative
13 charges against officers and employees of the Department;
- 14
- 15 d) Exercise functional jurisdiction over the legal staffs of Regional Offices;
- 16
- 17 e) Provide legal assistance to the Department Proper, the Bureaus, and Regional
18 Offices and, when requested, the attached corporations; and
- 19
- 20 f) Perform such other related duties and responsibilities as may be assigned or
21 delegated by the Secretary or as may be required by law.
- 22

23 **SEC. 16. *Administrative Service.*** — The Administrative Service is hereby created to
24 provide the Department with services relating to human resources development, personnel,
25 records, facilities maintenance, medical and dental, security, and property and procurement
26 services. For such purposes, it shall have the following functions:

- 27
- 28 a) Advise the Secretary, on all matters relating to internal administration and human
29 resources management;
- 30
- 31 b) Prepare and implement an integrated personnel plan that shall include provisions
32 on merit promotions, performance evaluation, job rotation, suggestions and
33 incentive awards systems, and health and welfare services;
- 34
- 35 c) Provide services related to human resources training, education, and development,
36 including manpower, career planning and forecasting, and development of
37 indigenous training materials;
- 38
- 39 d) Develop, establish, and maintain an efficient and cost-effective property
40 procurement system and facilities and coordinate or otherwise interface with

1 relevant agencies, whether government or private, for the purpose of developing or
2 upgrading the system;

3
4 e) Secure and maintain necessary Department facilities, and develop, establish, and
5 maintain an efficient and effective security system covering, among others,
6 personnel, physical installations, equipment, documents, and materials, including
7 the conduct of security investigations;

8
9 f) Coordinate with the appropriate government agencies for a more efficient conduct
10 of administrative processes;

11
12 g) Develop, establish, and maintain an efficient records system;

13
14 h) Provide assistance in its area of specialization to the Department Proper, Bureaus,
15 and Regional Offices and, when requested, the government agencies and
16 corporations attached to the Department; and

17
18 i) Perform such other related duties and responsibilities as may be assigned or
19 delegated by the Secretary or as may be required by law.

20
21 **SEC. 17. Bureau Head.** — Each Bureau shall be headed by a Bureau Director who
22 shall be responsible for efficiently and effectively carrying out the functions of the Bureau
23 concerned.

24
25 **SEC. 18. Bureau of Research and Standards.** — The Bureau of Research and
26 Standards is hereby created to develop and set effective standards and reasonable
27 guidelines to ensure the safety of all infrastructure facilities in the country and to assure
28 efficiency and proper quality in the construction of government public works. In pursuit of
29 this task, the Bureau shall engage in research and development on all major areas pertinent
30 to infrastructure development. For such purposes, it shall have the following functions:

31
32 a) Study, on a continuing basis, and formulate and recommend guidelines, standards,
33 criteria, and systems for the survey and design, construction, rehabilitation,
34 maintenance, and improvement of all public works;

35
36 b) Conduct or sponsor research on construction materials and formulate and
37 recommend policies, standards, and guidelines on materials and quality control,

38
39 c) Undertake or cause to be undertaken specialized technical studies to advance the
40 in-house technology of the Department and secure the most complete information
41 for project development and implementation purposes;

- d) Oversee the development and continuous updating of water resource management, computerized decision support systems that incorporates data management system (acquisition and database), model base (physical, design, planning and decision models), and user-friendly interface (graphical and visualization tools);
- e) Handle infrastructure and program development including planning, assessment, and value-engineering studies of water infrastructure (structural) projects and program (non-structural) developments as well as the strategic development of water facilities and operations which shall cover special studies and development of operating strategies, procedures, and protocols and accompanying computerized decision tools for normal and emergency operations of major water facilities;
- f) Formulate technical training programs for Department technical personnel, including the identification of appropriate local and foreign training programs, and recommend the selection of Department personnel for such programs;
- g) Review and study for the purpose of recognizing new technologies, especially those utilizing indigenous resources, current national infrastructure development standards and procedures, and make appropriate recommendations thereon;
- h) Promote, publish, and disseminate technical publications;
- i) Provide technical assistance to the Department Proper, other Bureaus, Regional Offices, and other agencies on matters within its competence;
- j) Cooperate or coordinate with other established research, development, and engineering centers in areas of common or national interest; and
- k) Perform such other related duties and responsibilities as may be assigned or delegated by the Secretary or as may be required by law.

SEC. 19. Bureau of Design. — The Bureau of Design is hereby created to ascertain that all government infrastructure project implementation plans and designs are consistent with current standards and guidelines. For this purpose, it shall have the following duties and responsibilities:

- a) Conduct or initiate, supervise, and/or review the results of field surveys for flood control, water resource development systems, and other public works projects, including aerial, hydrologic, hydrographic, topographic, geotechnical, and other investigations;

- b) Conduct or initiate, supervise, and/or review the preparation of schemes, designs, specifications, and estimates and tender and contract documents covering the architectural, structural, mechanical, electrical, and other technical design aspects of flood control, water resource development systems, and other projects of the Department or of other departments upon request or agreement and in accordance with current standards and guidelines;
- c) Provide technical assistance in the selection of firms or entities that shall undertake actual construction of public works projects via participation in the technical evaluation aspect of the bidding/award process; and
- d) Perform such other related duties and responsibilities as may be assigned or delegated by the Secretary or as may be required by law.

SEC. 20. Bureau of Construction. — The Bureau of Construction is hereby created to provide technical services on construction works for infrastructure projects and facilities. For this purpose, it shall have the following duties and responsibilities:

- a) Formulate policies relating to construction management and contract administration;
- b) Review and evaluate construction programs and estimates and tender and contract documents;
- c) Inspect, check, and monitor construction and works supervision activities of field implementing offices for the purpose of ensuring that such activities are being conducted in accordance with the current standards and guidelines of the Department;
- d) Provide specialist support to implementing field offices on construction management and contract administration; and
- e) Perform, such other related duties and responsibilities as may be assigned or delegated by the Secretary or as may be required by law.

SEC. 21. Bureau of Maintenance. — The Bureau of Maintenance is hereby created to provide technical services on the maintenance and repair of infrastructure projects and facilities. For this purpose, it shall have the following duties and responsibilities:

- a) Formulate policies relating to maintenance of infrastructure projects and facilities;

- b) Review and evaluate maintenance programs, estimates, and tender and contract documents;
- c) Inspect, check, and monitor maintenance activities of implementing field offices for the purpose of ensuring that such activities are being conducted in accordance with the current standards and policies of the Department;
- d) Provide specialist support to implementing field offices on the maintenance of infrastructure projects and facilities; and
- e) Perform such other related duties and responsibilities as may be assigned or delegated by the Secretary or as may be required by law.

SEC. 22. Bureau of Equipment. — The Bureau of Equipment is hereby created to provide technical services on the management of construction and maintenance equipment and ancillary facilities. For this purpose, it shall have the following duties and responsibilities:

- a) Formulate policies relating to the management of infrastructure equipment and ancillary facilities;
- b) Review and evaluate programs, estimates, and tender and contract documents for equipment;
- c) Inspect, check, and monitor the management of equipment by regional equipment services and area shops for the purpose of ensuring that such activities are being conducted in accordance with the current standards and policies of the Department;
- d) Provide specialist support to implementing field offices on equipment management;
- e) Perform such other related duties and responsibilities as may be assigned or delegated by the Secretary or as may be required by law.

SEC. 23. Regional Office. — Regional Offices shall be responsible for flood control, water resource development systems, and other public works within the region. For this purpose, their duties and responsibilities shall be as follows:

- a) Undertake and evaluate the planning, design, construction, and works supervision functions of the Department for the abovementioned infrastructure within the region;
- b) Undertake the maintenance of the abovementioned infrastructure within the region and supervise the maintenance of such local infrastructure receiving national government financial assistance as the Secretary may determine;
- c) Ensure the implementation of laws, policies, programs, rules, and regulations regarding the abovementioned infrastructure as well as all public and private physical structures;
- d) Provide technical assistance related to their functions to other agencies within the region especially the local government;
- e) Coordinate with other departments, agencies, institutions, and organizations, especially local government units within the region, in the planning and implementation of infrastructure projects;
- f) Conduct continuing consultations with the local communities, take appropriate measures to make the services of the Department responsive to the needs of the general public, compile and submit such information to the central office, and recommend such appropriate actions as may be necessary; and
- g) Perform such other related duties and responsibilities as may be assigned or delegated by the Secretary or as may be required by law.

The Department shall retain and have such Project Management Offices as may be required, which shall be under the supervision and control of the appropriate Regional Director, unless otherwise determined by the Secretary for reasons of supra-regional scope, magnitude, and multi-functional coverage.

SEC. 24. Regional Director. — The Regional Office shall be headed by a Regional Director who shall be responsible for efficiently and effectively carrying out the duties and responsibilities of the Regional Office. Towards this end he shall, within his defined powers, exercise functional and administrative supervision over District Offices within the region including the authority to commit their resources and personnel to integrated regional water management and flood control and flood risk management initiatives. He shall also perform such other related duties and responsibilities as may be assigned or delegated by the Secretary or as may be required by law.

1 The Regional Director shall be assisted by two (2) Assistant Regional Directors who shall
2 exercise supervision respectively over (1) the construction, maintenance, and works
3 supervision functions in the region, and (2) the planning, project design, evaluation, and
4 technical assistance functions of the Regional Office.

5
6 **SEC. 25. District Office.** — There shall be a District Office in each of the provinces
7 and cities throughout the country to be headed by a District Engineer appointed by the
8 Secretary. A province or city may, however, be divided into two (2) or more engineering
9 districts, upon determination and issuance of an administrative order by the Secretary. The
10 District Office shall be responsible for all flood control, water resource development
11 systems, and other public works within the district. For this purpose, it shall have the
12 following duties and responsibilities:

- 13
14 a) Undertake and evaluate the planning, design, construction, and works supervision
15 functions of the Department for the abovementioned infrastructure in the district;
- 16
17 b) Undertake the maintenance of the abovementioned infrastructure within the district
18 and supervise the maintenance of local infrastructure receiving national
19 government financial assistance as the Secretary may determine;
- 20
21 c) Coordinate with other departments, agencies, institutions, and organizations,
22 especially local government units within the district in the planning and
23 implementation of infrastructure projects;
- 24
25 d) Provide technical assistance to other agencies at the local level on public works
26 planning, design, construction, maintenance, and other engineering matters
27 including securing assistance from the Regional Office or, through the same
28 Office, assistance from the Department Proper or Bureaus;
- 29
30 e) Conduct continuing consultations with local communities, take appropriate
31 measures to make the services of the Department responsive to the needs of the
32 general public, compile and submit such information to the Regional Office, and
33 recommend such appropriate actions as may be necessary; and
- 34
35 f) Perform such other related duties and responsibilities as may be assigned or
36 delegated by the Secretary or as may be required by law.

37
38 **SEC. 26. District Engineer.** — The District Engineer of or within a province or city
39 shall be accountable for the efficient and effective conduct of the duties and
40 responsibilities of the District Office of which he is the head. Within his defined powers,
41 he shall exercise functional and administrative supervision over district operations

1 including the authority to recommend that field resources and personnel be committed to
2 integrated district-wide development thrusts. He shall also perform such other related
3 duties and responsibilities as may be assigned or delegated by the Secretary or as may be
4 required by law.

5 **CHAPTER 3 - TRANSITORY PROVISIONS**

6 **SEC. 27. *Interface with Other Sector Regulators.* –**

- 7
8
9 1) The Department of Environment and Natural Resources shall continue to have the
10 primary authority and responsibility for protecting the environment and for the
11 conservation of water and related natural resources, including protecting water bodies
12 from waste and pollution, and shall promulgate rules, regulations, and standards in this
13 regard. The Department shall coordinate with the Department of Environment and
14 Natural Resources with respect to conservation of water resources, protection from
15 sewage and septage waste, and restoration from environmental damage.
16
17 2) The Department of Health shall have primary authority and responsibility for
18 determining and enforcing drinking water quality and sanitation standards. The
19 Department shall coordinate with the Department of Health to achieve an integrated
20 approach for sanitation, including toilets, collection, treatment, and evaluation of
21 wastewater.
22
23 3) The Department shall subsume responsibility from the Department of Public Works
24 and Highways for wholly or primarily water-related public works projects including
25 flood control, water resources development, sewerage, sanitation, and the harnessing
26 and impounding of water. The Secretaries of each department shall coordinate on the
27 development of evaluation criteria, as necessary, to determine proper allocation of
28 public works projects between the two departments.
29
30 4) The Department shall coordinate with the Department of Agriculture to ensure
31 agricultural development that reduces sources of long term pollution for surface water
32 and groundwater, and agricultural and industrial economic development through water,
33 recycling, and treating wastewater.
34
35 5) The Department shall closely coordinate with the WRC to ensure harmonious
36 standards, knowledge sharing, and effective and efficient allocation of personnel and
37 resources for the achievement of any similar or overlapping objectives. Nothing in this
38 Act shall be read to detract from the powers and duties of the WRC.
39

40 **SEC. 28. *Transfer of Rights and Obligations.* –**

41

1 The Department shall, by virtue of this Act, be subrogated to all the rights, and assume all
2 the obligations, of the relevant parts of any government agencies and units whose powers
3 and functions have been transferred to the Department, including the Department of Public
4 Works and Highways and the Metro Manila Development Authority.

5
6 The transfer of powers and functions in Section 27 above, as applicable, and agencies
7 attached thereto, as herein provided for, shall take effect within one hundred eighty (180)
8 days after the effectivity of this Act. The foregoing transfer of powers and functions shall
9 include all applicable funds, personnel, records, property, and equipment, as may be
10 necessary. All offices shall continue to function under their present mandates until
11 transition is effected as provided for under this Act.

12
13 All rights and obligations of said government agencies are hereby transferred to and
14 assumed by the Department and shall be acted upon in accordance with the rules and
15 regulations of the Commission on Audit and other pertinent laws, rules, and regulations.

16
17 **SEC. 29. *Separation from Service.* –**

18
19 Employees separated from government service as a result of this Act shall be entitled to the
20 benefits that they may receive under existing laws, rules, and regulations.

21
22 **SEC. 30. *Funding.* –**

23
24 The sum of _____ (P _____ .00) Pesos shall be set aside from any
25 available funds of the National Treasury, and is hereby appropriated and authorized to be
26 released, for the organization of the Department and its initial operations.

27
28 Thereafter, funds sufficient to fully carry out the objectives, powers, and functions of the
29 Department shall be appropriated every fiscal year in the General Appropriations Act.

30
31 The Department shall submit its annual budget, which shall include, among others, detailed
32 information on the compensation and benefits received by their employees, to the Office of
33 the President for approval.

34
35 **SEC. 31. *Periodic Performance Evaluation.* –** The Department is hereby required to
36 formulate and enforce a system of measuring and evaluating periodically and objectively
37 the performance of the Department and submit the same annually to the President.

38
39 **SEC. 32. *Prohibition Against Change.* –** No change in the organizational structure
40 herein prescribed shall be valid except upon prior approval of the President for the purpose
41 of promoting efficiency and effectiveness in the delivery of public services.

1
2 **SEC. 33. *Separability Clause.*** – In the event that any provision of this Act is declared
3 unconstitutional, invalid, or illegal, the constitutionality, validity, or legality of the
4 remainder of the provisions of this Act shall not be affected thereby.
5

6 **SEC. 34. *Repealing Clause.*** –
7

8 All laws, presidential decrees, letters of instructions, executive orders, administrative
9 orders, rules, regulations, and other issuances or parts thereof which are contrary to or
10 inconsistent with the provisions of this Act are hereby revoked, repealed, amended, or
11 modified accordingly.
12

13 **SEC. 35. *Effectivity.*** – This Act shall take effect fifteen (15) days following the
14 completion of its publication in two (2) national newspapers of general circulation.
15

16
17 *Approved,...*