

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Philippines

SIXTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 38



INTRODUCED BY HON. MARCELINO "MARCY" R. TEODORO

EXPLANATORY NOTE

Access to safe and potable drinking water is a basic right recognized by the United Nations as one of its Millennium Development Goals (MDGs). In July 28, 2010, 122 countries formally acknowledged the "right to water" in a General Assembly of UN. Barely two months later, the UN Human Rights Council adopted a binding resolution recognizing that the human right to water and sanitation is part of the right to adequate standard of living.

The said right also places certain responsibilities upon governments to ensure that people can enjoy sufficient, safe, acceptable, physically accessible and affordable water for personal and domestic uses. Specifically, governments are expected to take reasonable steps to avoid a contaminated water supply and to ensure there are no water access distinctions among citizens.

Globally, one out of six people does not have access to clean water and nearly half of the world's population does not have access to basic sanitation facilities. A WHO study revealed that almost 10 % of the global burden of disease is associated with lack of access to adequate sanitation and safe drinking-water, of proper hygiene and of effective water management.

In the Philippines, many residents experience scarcity of affordable and safe drinking water, as well as the lack of acceptable sanitation system. Aside from these problems, governance problem is also a big issue in water. There are a number of government agencies dealing with water such as the Metropolitan Water and Sewerage System, Local Water Utilities Administration, National Water Resources Board, among others, functioning both in distribution, supply and regulation. To unify these agencies, and implement reforms in the water sector within the purview of promoting the right to water, this measure is being proposed.

The bill seeks to rationalize the resource management of water, sewage, and sanitation through the creation of the Department of Water, Sewage, and Sanitation. Among its intended functions are: (a) set the policy for water supply and sewage and septage management; (b) manage the country's water resources to ensure optimal use, including the preservation of land and water; (c) build, maintain, and/or monitor water-related infrastructure to ensure quality and accessibility; and (d) contribute to international dialogue, and (e) push for domestic adoption of, policies to achieve universal access to water and sanitation.

In view of the foregoing, immediate approval of this measure is earnestly sought.

MARCELINO "MARCY" R. TEODORO
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HOUSE BILL NO. **38**

INTRODUCED BY REP. MARCELINO "MARCY" R. TEODORO

**AN ACT RATIONALIZING THE RESOURCE MANAGEMENT OF THE
WATER SECTOR, CREATING THE DEPARTMENT OF WATER, SEWAGE,
AND SANITATION, AND FOR OTHER PURPOSES**

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

**CHAPTER I
GENERAL PROVISIONS**

SECTION 1. *Short Title.* – This Act shall be known as the "Water Resources Management Act of 2013."

SEC. 2. *Declaration of National Policy.* – It is hereby declared the policy of the State to recognize, protect, realize, and enhance the right of all Filipinos to safe, clean, affordable, and accessible drinking water and sanitation as essential to the full enjoyment of life and all human rights and the protection and sustainability of the environment.

In pursuit of this Policy, this Act shall have the following objectives:

- (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.* – For purposes of this Act, the following terms are hereby defined:

- (a) *Department* refers to 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* refers to sewage, sanitation, and septage management.
- (e) *Sewerage* refers 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 appurtenant thereof, which includes the collection, sanitary piping transport, pumping, and treatment of water-borne human or animal waste removed from residences, buildings, institutions, and industrial and commercial establishments to point of sewage treatment plant disposal.
- (f) *Sewage* refers to water-carried waste in solution or suspension, including sanitary waste (waste products of normal living), commercial waste, industrial waste, agricultural waste, and surface runoff, conveyed by a sewerage system for treatment or disposal. For purposes of this Act, the definition of septage shall be included in the use of sewage.
- (g) *Septage* refers to sludge produced on individual onsite wastewater disposal systems, principally septic tanks and cesspools.
- (h) *WRC* refers to the Water Regulatory Commission or to any present or future water regulatory body with quasi-judicial powers and tasked to provide economic and administrative regulation of water utilities.

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

CHAPTER II ORGANIZATION

SEC. 4. *The Department of Water, Sewage, and Sanitation.* – There is hereby created and established the Department of Water, Sewage, and Sanitation, hereinafter referred to as the “Department,” which shall be organized within one hundred twenty (120) days after the effectivity of this Act. The Department shall be tasked with developing and implementing a comprehensive water, sewage, and sanitation program for the Philippines including, but not limited to: (a) implementing necessary policy and resource reforms with respect to the management of water, sewage, and sanitation; (b) monitoring and

evaluating compliance with the Social Contract of the President and the Millennium Development Goals as they relate to water, sewage, and sanitation; (c) formulating a national updated road map to address the water, sewage, and sanitation requirements of the State; and (d) improving conservation of water and increasing system efficiencies.

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

- (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 regulations 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 management, formulate integrated water resources management (IWRM) policies and plans, and coordinate the implementation, promotion, revision, and enhancement of IWRM plans;
- (j) Effect and compel inter-sectoral, inter-agency, and inter-departmental coordination on water, sewage, and sanitation resources development planning with the aim of operationalizing the integrated approach to water resources management;

- (k) Regulate and control the utilization, exploitation, abstraction, diversion, and development of water resources, taking into consideration its equitable distribution, and determine the standards of beneficial and priority uses of water in times of crisis and national emergencies;
- (l) Assist and provide the National Economic and Development Authority (NEDA) with required data and inputs from and for the water sector in the formulation of the country's short-term and long-term strategic development plans and actions;
- (m) Coordinate with other relevant agencies and develop policies and plans in respect of water resources used for farming, including sustainable mechanisms for irrigation;
- (n) Pass upon, approve, or disapprove all plans, programs, or development projects of private individuals, corporations, and government agencies, whether national or local, that affect water resources, its diversion or abstraction, and the construction of hydraulic facilities, including but not limited to plans and projects in watershed or basin areas of water supply sources, which have direct or indirect impact on the affected locality's water resources;
- (o) Review from time to time regulations prescribed by any government agency pertaining to water use, exploitation, development, conservation, or protection of waters, water resources, and watershed or basin areas;
- (p) Authorize its representatives or any deputized agent to enter any property of public dominion or any private land, building, or enclave, whether inhabited or not, for the purpose of conducting hydrologic surveys and investigations, including assessing and evaluating the conditions of water facilities installed and determining compliance with water laws and standards;
- (q) Require Local Government Units (LGUs) and national agencies to submit zoning and land use management plans to ensure the integration of water resource management plans; *Provided*, That no zoning and land use plan shall become effective and enforceable unless and until a certification of integration of water, sewage, and sanitation resource management plan has been issued by the Department. Should the Department have serious concerns affecting conservation and sustainability of water supply, such concerns must first be resolved by the Department and the concerned LGU and/or national agency. However, in the absence of such concerns, the concerned LGU and/or government agency may, within ninety (90) days from the submission of its zoning and land use plan and after submitting to the Department a written notice of compliance with this provision, proceed with the implementation of its zoning and land use plan without prejudice to later integration of the water resource management plan for the locality;
- (r) Provide technical assistance to water, sewer, and sanitation users including, but not limited to, farmers and LGUs, whether directly or in coordination with other agencies, to assist them in applying for water permits and providing data on water, sewage, and sanitation resource usage;
- (s) Plan, design, construct, and maintain infrastructure facilities, flood control, and water resource development systems and provide technical services for the planning, design, construction, maintenance, and/or operation of the same;
- (t) In coordination with other relevant agencies, develop and implement effective codes, standards, and reasonable guidelines to ensure the safety of all public and

private structures in the country and assure efficiency and proper quality in the construction of water, sewage, and sanitation infrastructure;

- (u) Coordinate with relevant agencies, including the Department of Environment and Natural Resources and the WRC, to ensure that the agencies' respective standards complement each other when taken as part of a larger whole;
- (v) In coordination with other relevant agencies, ascertain that all plans and project implementation designs are consistent with current standards and guidelines;
- (w) Provide the works supervision function for all public works construction and ensure that actual construction is done in accordance with approved government plans and specifications;
- (x) Assist other agencies, including LGUs, in determining the most suitable entity to undertake the actual construction of water, sewage, and sanitation projects;
- (y) Maintain or cause to be maintained all flood control, water resource development systems, and other public works throughout the country except those that are the responsibility of other agencies as directed by the President of the Philippines or as provided by law;
- (z) Provide integrated planning for flood control, flood risk management, and water resource development and management systems, and other public works;
- (aa) Issue and promulgate rules, regulations, and guidelines as may be necessary to implement and enforce its powers and functions under this Act;
- (bb) Determine and require the monitoring and submission of such data, statistics, and other information as may be necessary for the effective and efficient exercise of its duties, functions, powers, and responsibilities;
- (cc) Respond to consumer complaints and ensure the adequate promotion of consumer interests;
- (dd) Deputize agents, whether from the public or private sector, to assist in the performance of any of the powers and functions of the Department;
- (ee) Appoint, hire, and maintain adequate staff and personnel, advisers, and/or consultants, with suitable qualifications and experience, as necessary;
- (ff) Exercise such other powers and functions necessary or incidental to the effective administration and management of the country's water, sewer, and sanitation resources;
- (gg) Exercise such other incidental powers and functions as may be necessary to attain the objectives of this Act; and
- (hh) Carry out such other functions as the President may from time to time assign to the Department consistent with the aims and provisions of this Act.

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

- (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;
- (b) Supervise all the operational activities of the units assigned to him, for which he is responsible to the Secretary; and
- (c) Perform such other duties and responsibilities as may be assigned or delegated by the Secretary to promote efficiency and effectiveness in the delivery of public services or as may be required by law.

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

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

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

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

SEC. 10. *Organizational Structure.* – The Department shall be composed of the following organizational units:

- (a) Department Proper consisting of the Office of the Secretary, the Offices of the Undersecretaries and Assistant Secretaries, the Internal Audit Service, Monitoring and Information Service, Planning Service, Comptrollership and Financial Management Service, Legal Service, and the Administrative Service;
- (b) Bureau of Research and Standards, Bureau of Design, Bureau of Construction, Bureau of Maintenance, and Bureau of Equipment; and
- (c) Regional Offices, as deemed appropriate and necessary by the Secretary.

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

- (a) Advise the Secretary on all matters relating to management control and operations audit;
- (b) Conduct management and operations performance audit of Department activities and units and determine as to the degree of compliance with established objectives, policies, methods and procedures, government regulations, and contractual obligations of the Department;
- (c) Review and appraise systems and procedures, organizational structure, assets management practices, accounting, and other records, reports, and performance standards (such as budgets and standard costs) of the Department Proper, Bureaus, and Regional Offices;
- (d) Analyze and evaluate management deficiencies and assist top management to solve problems by recommending realistic courses of action; 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. 12. *Monitoring and Information Service.* – The Monitoring and Information Service is hereby created to provide the Secretary timely reports on the status of various Department projects and activities and develop and implement information programs for

mass dissemination in coordination with the appropriate government agencies. The Monitoring and Information Service shall have the following functions:

- (a) Advise the Secretary on all matters relating to monitoring and public information;
- (b) Develop and maintain a system for retrieving and processing monitoring information on all projects and activities of concern to the Secretary;
- (c) Provide accurate and timely status and exception reports to the Secretary;
- (d) Generate monitoring reports for the President, the Cabinet, or for any other purpose as required by the Secretary;
- (e) Develop and supervise the implementation of communications programs to have relevant policies, programs, and plans of the Department understood by the public;
- (f) Produce and supervise the dissemination of media materials in line with national government public information programs;
- (g) Coordinate with the appropriate national government agencies tasked with public information affairs; and
- (h) Perform such other related duties and responsibilities as may be assigned or delegated by the Secretary or as may be required by law.

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

- (a) Advise the Secretary on all matters relating to infrastructure planning;
- (b) Assist the Undersecretary for Global and Holistic Planning on all matters related to the specific functions of his position detailed in Section 8;
- (c) Formulate strategies and priorities for infrastructure development consistent with national development objectives and initiate or undertake relevant surveys for development planning;
- (d) Formulate long-range, medium-term, and annual development plans and programs for infrastructure, including flood control, water resource development systems, and other public works projects, including phasing of implementation and review and integrate land use plans with these water development plans;
- (e) Identify priority packages for infrastructure development, including flood control, water resource development systems, and other public works projects, and undertake or supervise and evaluate the conduct of feasibility studies and project preparation thereof;
- (f) Prioritize project implementation and the allocation of funds and other resources and package project proposals for funding and implementation;
- (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.

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

- (a) Advise the Secretary on all matters relating to legal affairs;
- (b) Prepare Department contracts and legal instruments, review and interpret all contracts and agreements entered into by the Department, and evaluate all legal proposals;
- (c) Conduct administrative investigation as well as the review of administrative charges against officers and employees of the Department;
- (d) Exercise functional jurisdiction over the legal staffs of Regional Offices;
- (e) Provide legal assistance to the Department Proper, the Bureaus, and Regional Offices and, when requested, the attached corporations; and
- (f) Perform such other related duties and responsibilities as may be assigned or delegated by the Secretary or as may be required by law.

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

- (a) Advise the Secretary on all matters relating to internal administration and human resources management;
- (b) Prepare and implement an integrated personnel plan that shall include provisions on merit promotions, performance evaluation, job rotation, suggestions and incentive awards systems, and health and welfare services;
- (c) Provide services related to human resources training, education, and development, including manpower, career planning and forecasting, and development of indigenous training materials;
- (d) Develop, establish, and maintain an efficient and cost-effective property procurement system and facilities and coordinate or otherwise interface with relevant agencies, whether government or private, for the purpose of developing or upgrading the system;
- (e) Secure and maintain necessary Department facilities, and develop, establish, and maintain an efficient and effective security system covering, among others, personnel, physical installations, equipment, documents, and materials, including the conduct of security investigations;
- (f) Coordinate with the appropriate government agencies for a more efficient conduct of administrative processes;
- (g) Develop, establish, and maintain an efficient records system;
- (h) Provide assistance in its area of specialization to the Department Proper, Bureaus, and Regional Offices and, when requested, the government agencies and corporations attached to the Department; and
- (i) Perform such other related duties and responsibilities as may be assigned or delegated by the Secretary or as may be required by law.

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

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

- (a) Study, on a continuing basis, and formulate and recommend guidelines, standards, criteria, and systems for the survey and design, construction, rehabilitation, maintenance, and improvement of all public works;
- (b) Conduct or sponsor research on construction materials and formulate and recommend policies, standards, and guidelines on materials and quality control;

- (c) Undertake or cause to be undertaken specialized technical studies to advance the in-house technology of the Department and secure the most complete information 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/awards 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.

The Regional Director shall be assisted by two (2) Assistant Regional Directors who shall exercise supervision respectively over (1) the construction, maintenance, and works

supervision functions in the region, and (2) the planning, project design, evaluation, and technical assistance functions of the Regional Office.

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

- (a) Undertake and evaluate the planning, design, construction, and works supervision functions of the Department for the abovementioned infrastructure in the district;
- (b) Undertake the maintenance of the abovementioned infrastructure within the district and supervise the maintenance of local infrastructure receiving national government financial assistance as the Secretary may determine;
- (c) Coordinate with other departments, agencies, institutions, and organizations, especially local government units within the district in the planning and implementation of infrastructure projects;
- (d) Provide technical assistance to other agencies at the local level on public works planning, design, construction, maintenance, and other engineering matters including securing assistance from the Regional Office or, through the same Office, assistance from the Department Proper or Bureaus;
- (e) Conduct continuing consultations with 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 Regional Office, and recommend such appropriate actions as may be necessary; and
- (f) Perform such other related duties and responsibilities as may be assigned or delegated by the Secretary or as may be required by law.

SEC. 26. *District Engineer.* – The District Engineer of or within a province or city shall be accountable for the efficient and effective conduct of the duties and responsibilities of the District Office of which he is the head. Within his defined powers, he shall exercise functional and administrative supervision over district operations including the authority to recommend that field resources and personnel be committed to integrated district-wide development thrusts. 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.

CHAPTER III TRANSITORY PROVISIONS

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

- (a) The Department of Environment and Natural Resources (DENR) shall continue to have the primary authority and responsibility for protecting the environment and for the conservation of water and related natural resources, including protecting water bodies from waste and pollution, and shall promulgate rules, regulations, and standards in this regard. The Department shall coordinate with the DENR with respect to the conservation of water resources, protection from sewage and septage waste, and restoration from environmental damage.

- (b) The Department of Health (DOH) shall have primary authority and responsibility for determining and enforcing drinking water quality and sanitation standards. The Department shall coordinate with the DOH to achieve an integrated approach for sanitation, including toilets, collection, treatment, and evaluation of wastewater.
- (c) The Department shall subsume responsibility from the Department of Public Works and Highways for wholly or primarily water-related public works projects including flood control, water resources development, sewerage, sanitation, and the harnessing and impounding of water. The Secretaries of each department shall coordinate on the development of evaluation criteria, as necessary, to determine proper allocation of public works projects between the two departments.
- (d) The Department shall coordinate with the Department of Agriculture to ensure agricultural development that reduces sources of long term pollution for surface water and groundwater, and agricultural and industrial economic development through water recycling and treating wastewater.
- (e) The Department shall closely coordinate with the WRC to ensure harmonious standards, knowledge sharing, and effective and efficient allocation of personnel and resources for the achievement of any similar or overlapping objectives. Nothing in this Act shall be read to detract from the powers and duties of the WRC.

SEC. 28. *Transfer of Rights and Obligations.* – The Department shall, by virtue of this Act, be subrogated to all the rights, and assume all the obligations of the relevant parts of any government agency or unit whose powers and functions have been transferred to the Department, including the Department of Public Works and Highways and the Metro Manila Development Authority.

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

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

SEC. 29. *Separation from Service.* – Employees separated from government service as a result of this Act shall be entitled to the benefits that they may receive under existing laws, rules, and regulations.

SEC. 30. *Funding.* – The sum of One Hundred Million Pesos (P 100 Million) shall be set aside from any available funds of the National Treasury, and is hereby appropriated and authorized to be released, for the organization of the Department and its initial operations.

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

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

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

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

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

SEC. 34. *Repealing Clause.* – All laws, presidential decrees, letters of instructions, executive orders, rules, regulations, and other issuances or parts thereof which are contrary to or inconsistent with the provisions of this Act are hereby revoked, repealed, amended or modified accordingly.

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

Approved,