

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

Seventeenth Congress
Second Regular Session

HOUSE BILL NO. **6505**



Introduced by Honorable Michaelina M. Antonio

EXPLANATORY NOTE

Water is a basic human need, and access to it is regarded as a fundamental human right. Despite numerous advances in technology and growth of the global economy, sufficient access to basic water services remains one of the most crucial issues for peoples and communities, particularly in developing countries, in the world today.

Here in the Philippines, 2015 data from the WHO/UNICEF Joint Monitoring Programme (JMP) for Water Supply and Sanitation¹ shows that eight million people – nearly a tenth of our population – lack access to clean drinking water.

The 1987 Constitution has provisions that contain an implicit recognition of a right to access basic resources such as water. But there remains a disturbing gap between policy and practice. And while there have been some efforts on the part of government to respond to this issue, much still remains to be done to ensure that every Filipino's right to access clean water is truly fulfilled.

The Philippines has experienced alternating El Niño and La Niña spells in recent years that has resulted in severe flooding in urban areas, and dry spells for agriculture-producing provinces. With the onset of climate change, proper prioritization and utilization of water has become much more evident. In addition, there has been a continuous increase in the urban population of Metro Manila and nearby provinces. Thus, the development of new water sources will be crucial in mitigating the effects of the above-mentioned environmental changes, and in providing sustainable solutions to the economic effects of urban migration.

The Water Code is currently the law governing the ownership, appropriation, utilization, exploitation, development, conservation and protection of water resources and rights to land related thereto. However, there have been a lot of changes in the status

¹ http://data.worldbank.org/indicator/SH.H2O.SAFE.ZS?year_high_desc=false

of the country's water resources since the passage of the Water Code in 1976. Therefore, we must look into modernizing the Water Code using a clear and integrated policy on water resource management.

This bill seeks to update the 41-year old Water Code for it to catch up with the developments and changes of the current times. Through this, a more holistic water sector reform initiative which incorporates the other uses of water is considered.

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



MICHAELINA M. ANTONIO

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13 **AN ACT INSTITUTING A NEW WATER CODE,**
14 **AMENDING FOR THE PURPOSE PD NO. 1067**
15 **OTHERWISE KNOWN AS THE WATER CODE OF THE PHILIPPINES**
16 **AND FOR OTHER PURPOSES**
17

18 **CHAPTER I**
19 ***DECLARATION OF OBJECTIVES AND PRINCIPLES***
20

21 **Article 1. *Short Title*** - This Act shall be known as The New Water Code of the Philippines.
22

23
24 **Article 2. *Objectives*** - The objectives of this Act are:
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- 26 a. To establish the basic principles and framework relating to the appropriation, control
27 and conservation of water resources to achieve sustainable development and rational
28 utilization of these resources through the adoption and practice of Integrated Water
29 Resources Management;
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31 b. To define the extent of the rights and obligations of water users and owners including
32 the protection and regulation of such rights;
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35 c. To adopt a basic law governing the ownership, appropriation, utilization,
36 development, conservation and protection of water resources and rights to land
37 related thereto;

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39 d. To identify the administrative agencies which will enforce this Act.
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42 **Article 3. Declaration of Principles** - The underlying principles of this Act are:
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44 a. All waters belong to the State;

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46 b. All waters that belong to the State cannot be the subject of acquisitive prescription.
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48 c. The State may allow the use or development of waters by administrative concession.
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50 d. The utilization, exploitation, development, conservation and protection of water
51 resources shall be subject to the control and regulation of the government through the
52 National Water Resources Board, hereinafter referred to as the Board.
53

54 e. Preference in the use and development of waters shall consider current usages and be
55 responsive to the needs of the country and the changing conditions of the water
56 resource brought about by climate change.
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59 **Article 4. Definition of Terms** – As used in this Act,
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61 a) Appropriation of water refers to the acquisition of rights over the use of waters or the taking
62 or diverting of waters from a natural source in the manner and for any purpose allowed by
63 law.
64

65 b) Appropriator refers to any person or a group of persons who use, control, store, convey
66 water, or develop systems and sources of water, in accordance with a water permit issued.
67

68 c) Aquifer means a layer of water-bearing rock located underground that transmits water in
69 sufficient quantity to supply pumping wells or natural springs.
70

71 d) Beneficial Use refers to the utilization of water in the right amount during the period that the
72 water is needed for producing the benefits for which the water is appropriated.
73

- e) Commercial Use refers to the utilization of water for business establishments such as malls, hotels, restaurants, office buildings, other commercial facilities, and other similar establishments.
- f) Control Area is an area of land where subterranean or groundwater and surface water are so interrelated that withdrawal and use in one similarly affects the other. The boundary of a control area may be altered from time to time, as circumstances warrant.
- g) Domestic Use is the utilization of water for household such as drinking, washing, bathing, cooking, and watering of lawns, gardens and domestic animals, or other household needs.
- h) Environmental Flow is a system for managing the quantity, timing and quality of water flows with the goal of sustaining freshwater and estuarine ecosystems and the human livelihoods that depend on them (www.internationalrivers.org)
- i) Fisheries refers to the utilization of water for the propagation and culture of fish and other aquatic resources as a commercial enterprise.
- j) Groundwater refers to water that occurs in zone of saturation, from which wells and springs or open channels are fed. Also called sub-surface water, underground water or subterranean water.
- k) Illegal Water User is any person or group of persons who use, control, store, convey water, or develop any source of water without water permit issued by the Board.
- Provided, that household water use is exempted and is not considered as illegal water use.*
- l) Industrial Use refers to the utilization of water in factories, manufacturing, industrial plants and mines, including the use of water as an ingredient of a finished product.
- m) Institutional Use refers to the use of water for institutions such as schools, hospitals, hospices, churches, military camps, rehabilitation centers/penitentiaries, airports and similar establishments.
- n) Integrated Water Resources Management is the promotion of coordinated development and management of water, land and related resources, in order to maximize the resultant economic and social welfare in an equitable manner without compromising the sustainability of vital ecosystems.

- o) Irrigation refers to the utilization of water for producing agricultural crops.
- p) Livestock Raising is the utilization of water for large herds or flocks of animals raised as a commercial enterprise.
- q) Municipal Use is the utilization of water for supplying the water requirements of the community.
- r) Peatland shall refer to wetland ecosystems characterized by the accumulation of organic soil from dead and decaying plant material under high water saturation condition called peat. It may have vegetation in form of trees, shrubs, and grasses or may lack vegetation entirely.
- s) Power Generation is the utilization of water for producing electrical or mechanical power.
- t) Recreational Use is the utilization of water for swimming pools, bath houses, boating, water skiing, golf courses and other similar facilities in resorts and other places of recreation.
- u) River Basin is an area of land that drains water, sediment and dissolved materials, to a common outlet such as estuary or sea.
- v) Surface Water is water flowing over lands, water from rainfall whether natural or artificial, and water from agricultural runoff, seepage and drainage.
- w) Wastewater means waste in liquid state containing pollutants
- x) Water refers to water under the ground, water above the ground, water in the atmosphere and the waters of the sea within the territorial jurisdiction of the Philippines.
- y) Water Permit is a document that grants the right to appropriate water to persons including government agencies and instrumentalities, local government units, government-owned or controlled corporations and quasi-public corporations.
- z) Water Pollution means any alteration of the physical, chemical, biological or radiological properties of a water body resulting in the impairment of its purity or quality beyond the standard set by the Department of Environment and Natural Resources through the Environmental Management Bureau.
- aa) Water Right refers to the privilege granted by the National Water Resources Board to appropriate and use water.

bb) Watershed is a land area drained by a stream or fixed body of water and its tributaries having a common outlet for surface run-off

cc) Water Use is the utilization of water for different purposes as provided in this Act.

CHAPTER II

THE NATIONAL WATER RESOURCES BOARD

Article 5. Functions of the Board. The National Water Resources Board, or hereafter referred to as The Board, shall have the following functions, duties, and powers:

1. Regulatory and Executory:

1.1 Coordinate and integrate, on a sound and logical basis, water resources development activities of the country within the context of national plans and policies for social and economic development;

1.2 Determine, adjudicate, and grant water rights amending, for this purpose, P.D. No. 1067, and other laws relating to the appropriation and utilization of surface ground water;

1.3 Formulate and promulgate:

1.3.1 General criteria, methods, and standards for basic data collection, project investigation, formulation, planning and design, and feasibility evaluation; and

1.3.2 Rules and regulation for the exploitation and optimum utilization of water resources, including the imposition on water appropriators of such fees or charges as may be deemed necessary by the council for water resources development;

1.4 Review and approve water resources development plans and programs of any agency within the context of the overall national plans and program;

1.5 Undertake river basin survey, inventory and appraisal of water and related resources and develop comprehensive basin-wide of storage and control to maximize the conservation and multi-purpose use of water in the basin;

1.6 Undertake hydrologic surveys and establish, operate and maintain observation station networks and a centralized water resources data center necessary for the scientific survey and appraisal of surface and ground water potentials of the country; and

1.7 Conduct and/or promote special studies and researches with other government or private agencies on all related aspects of water resources development such as weather modification, environmental quality, desalination, and the like.

2 Advisory and Recommendatory:

190 2.1 Appraise and/or advise the National Economic and Development Authority (NEDA)
191 on matters pertaining to water resources development projects and programs;

192 2.2 Recommend to NEDA the adoption of general policies and guidelines and short/long
193 range plans and programs for water resources development.
194

195 **Article 6. *Composition of the Board.*** The Board shall be composed of the following:
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- 197 a. Secretary, Department of Environment and Natural Resources as *Chairman*
198 b. Secretary, Department of Agriculture, or the Undersecretary as *Member*
199 c. Secretary, Department of Public Works and Highways, or the Undersecretary as *Member*
200 d. Secretary, National Economic & Development Authority, or the Undersecretary as *Member*
201 e. Administrator, National Irrigation Administration, or the Deputy as *Member*
202 f. President & CEO, National Power Corporation as *Member*
203

204 Provided, that the National Economic and Development Authority, in the exercise of its sound
205 discretion, may increase or decrease the membership of the Council.
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207 The members of the Council shall receive a reasonable amount of per diem as the Council may
208 provide for every meeting actually attended by them.
209

210 211 CHAPTER II 212 OWNERSHIP OF WATERS 213 214

215 **Article 7. *State Ownership of Water*** - The following belong to the State;
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- 217 a. Rivers and their natural beds;
218 b. Continuous or intermittent waters of springs and brooks running in their natural beds
219 and the beds themselves;
220 c. Natural lakes and lagoons;
221 d. All other categories of surface waters such as water flowing over lands, water from
222 rainfall whether natural or artificial, water from agricultural runoff, seepage and
223 drainage, and water in peatlands;
224 e. Atmospheric water;
225 f. Subterranean or groundwater; and
226 g. Seawater
227
228

Article 8. Ownership of Waters in Private Lands - The following waters found on private lands also belong to the State:

- a. Continuous or intermittent waters rising on such lands;
- b. Lakes and lagoons naturally occurring on such lands;
- c. Rain water falling on such lands;
- d. Subterranean or groundwater; and
- e. Waters in swamps and marshes.

The owner of the land where the water is found may use the same for domestic purposes without securing a permit, provided that such use shall be registered. The Board, however, may regulate such use when there is wastage, or in times of emergency.

Article 9. Control and Disposal of Captured Waters - Subject to the provisions of this Act, any person who captures or collects rainwater or runoff water by means of cisterns, tanks, or pools shall have exclusive control over such water and the right to dispose the same.

Article 10. Control of Waters in Appropriator's Canal and Aqueduct - Water legally appropriated shall be subject to the control of the appropriator from the moment it reaches the appropriator's canal or aqueduct leading to the place where the water will be used or stored and, thereafter, so long as it is being beneficially used for the purposes for which it was appropriated.

CHAPTER III APPROPRIATION OF WATERS

Article 11. How Waters may be Appropriated - Waters may be appropriated and used in accordance with the provisions of this Act.

Article 12. Purposes for which Waters may be Appropriated - Water may be appropriated for the following purposes:

- a. Domestic
- b. Municipal
- c. Institutional

- d. Irrigation
- e. Power generation
- f. Fisheries
- g. Livestock raising
- h. Industrial
- i. Commercial
- j. Recreational, and
- k. Other purposes

Use of water for domestic purposes is the utilization of water for household such as drinking, washing, bathing, cooking, and watering of lawns, gardens and domestic animals, or other household needs.

Use of water for municipal purposes is the utilization of water for supplying the water requirements of the community.

Use of water for institutional purposes is the utilization of water for institutions such as schools, hospitals, hospices, churches, military camps, rehabilitation centers/penitentiaries, airports and similar establishments.

Use of water for irrigation is the utilization of water for producing agricultural crops.

Use of water for power generation is the utilization of water for producing electrical or mechanical power.

Use of water for fisheries is the utilization of water for the propagation and culture of fish and other aquatic resources as a commercial enterprise.

Use of water for livestock raising is the utilization of water for large herds or flocks of animals raised as a commercial enterprise.

Use of water for industrial purposes is the utilization of water in factories, industrial plants and mines, including the use of water as an ingredient of a finished product.

Use of water for commercial purposes is the utilization of water for business establishments such as malls, hotels, restaurants, office buildings, other commercial facilities, and other similar establishments.

306 *Use of water for recreational purposes* is the utilization of water for swimming pools, bath
307 houses, boating, water skiing, golf courses and other similar facilities in resorts and other places
308 of recreation.

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311 **Article 13. *Waters Exempt from Appropriation*** - The State, for reasons of public policy, may
312 declare waters not previously appropriated, in whole or in part, exempt from appropriation for
313 any or all purposes and, thereupon, such waters may not be appropriated for those purposes.

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315 Water Permits previously issued for specific purpose may, upon recommendation of
316 proper government agency, be recalled or cancelled by the Board, for reasons of public health,
317 public safety, or national security, or to prevent environmental degradation.

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320 **Article 14. *Use of Previously Appropriated Waters for Another Purpose*** - Waters appropriated
321 for a particular purpose may be applied for another purpose only upon prior approval of the
322 Board and on condition that the new use does not unduly prejudice the rights of other permittees,
323 or require an increase in the volume of water.

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326 **Article 15. *Water Right and Water Permit*** - Except as otherwise herein provided, no person,
327 including government agencies and instrumentalities, local government units, government-
328 owned or controlled corporations and quasi-public corporations, shall appropriate water without
329 a water right, which shall be evidenced by a document known as a water permit issued by the
330 Board.

331
332 Water right is the privilege granted by the government to appropriate and use water.

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335 **Article 16. *Exemption from Water Permit*** - Subject to the provisions of this Act concerning the
336 control, protection, conservation, and regulation of the appropriation and use of waters, and
337 provided it does not impair the rights of a water permit holder, any person may appropriate or
338 use natural bodies of water without securing a water permit for any of the following:

- 339
340 a. Appropriation of water by means of hand carried receptacles; and
341
342 b. Bathing or washing, watering or dipping of domestic or farm animals, and navigation
343 of watercrafts or transportation of logs and other objects by flotation.
344

Article 17. *Who may apply for Water Permit* - Only citizens of the Philippines, of legal age, as well as juridical persons, who are duly qualified by law to develop water resources, may apply for water permits.

Article 18. *Application for Water Permit* - Any person who desires to obtain a water permit shall file an application with the Board who shall make known said application to the public for any protests.

In determining whether to grant or deny an application, the Board shall consider the following: protests filed, if any; prior permits granted; the availability of water; the water supply needed for beneficial use; possible adverse effects; land-use economics; environmental flow; water pollution risks; and other relevant factors.

Upon approval of an application, a water permit shall be issued and recorded.

Article 19. *Appropriation of Waters Located within Ancestral Domains* - In areas declared as ancestral domain, the applicant for issuance of water permit must secure a free, prior and informed consent (FPIC) from the concerned indigenous cultural community (ICC) and/or indigenous people (IP) approved by the National Commission for Indigenous People (NCIP) consistent with the Indigenous Peoples Rights Act (IPRA). Provided, that the water rights granted, in accordance herein, shall remain valid as long as it is beneficially utilized.

Article 20. *When Right to Use is Acquired* - The rights to the use of water is acquired as of the date of approval of the application for a water permit, or as of the date of actual use in a case where no permit is required.

Article 21. *Conditions In Water Permit* - All water permits granted shall be subject to conditions of beneficial use, adequate standards of design and construction, environmental considerations and such other terms and conditions as may be imposed by the Board.

Such permits shall specify the maximum amount of water which may be diverted or withdrawn, the maximum rate of diversion or withdrawal, the time or times during the year when water may be diverted or withdrawn, the point or points of diversion or location of wells, the

place of use, the purposes for which water may be used, and such other requirements the Board deems appropriate and desirable.

Article 22. *Lease or Transfer of Water Right* - Water rights may be leased or transferred in whole or in part to another person with prior written approval of the Board, after due notice and hearing.

Article 23. *Measure and Limit of Appropriation of Waters* - The measure and limit of appropriation of waters shall be beneficial use.

Standards of beneficial use shall be prescribed by the Board for the appropriator of water depending on the purposes, conditions, and the use of waters for which it is appropriated. It shall be measured and controlled in accordance therewith.

All appropriators of water shall maintain water control and measuring devices, and submit records of water withdrawal to the Board.

Article 24. *Priority of Right* - Between two or more appropriators of water from the same source of supply, priority in time of appropriation shall give the better right. However, in times of emergency and/or water shortage, the use of water for domestic and municipal purposes shall have a better right over all other uses. Provided, that where water shortage is recurrent and the appropriator for municipal use has a lower priority in time of appropriation, then it shall be his duty to find an alternative source of supply in accordance with conditions prescribed by the Board.

Article 25. *When Priority in Time Cannot be Determined* - When priority in time of appropriation from a certain source of supply cannot be determined, the order of preference in the use of the waters shall be as follows:

- a. Domestic
- b. Municipal
- c. Institutional
- d. Irrigation
- e. Power generation
- f. Fisheries

- g. Livestock raising
- h. Industrial use
- i. Commercial
- j. Recreation, and
- k. Other uses

When two or more permittees with the same source and purpose have the same date of approval, priority in the utilization of water shall be reckoned from the date of filing of the application without prejudice to whatever arrangement that may be agreed upon by the permittees.

Article 26. Grounds for Altering Priorities - Priorities may be altered on grounds of greater beneficial use, multi-purpose use, changing conditions due to climate change and other similar grounds after due notice and hearing, subject to payment of compensation in proper cases as may be determined by the Board.

Claims for compensation of damages suffered by affected persons arising from the alteration of priority by reason of greater beneficial use shall be determined by the Board.

Article 27. How Water Right may be exercised - A water right shall be exercised in such a manner that the rights of third persons or of other appropriators are not prejudiced thereby.

Article 28. Easements for Construction and Maintenance of Hydraulic Works - A holder of a water permit may demand the establishment of easements necessary for the construction and maintenance of the works and facilities needed for the beneficial use of the waters to be appropriated, subject to the requirements of just compensation and to the following conditions:

- a. The holder of the water permit is the owner, lessee, mortgagee or one having real right over the land upon which he proposes to use water; and
- b. The proposed easement is the most convenient and the least onerous to the servient estate.

Easements relating to the appropriation and use of waters may be modified by the agreement of the contracting parties provided the same is not contrary to law or prejudicial to third persons.

Article 29. *Reduction of Quantity and Period of Use of Waters* - Where water shortage is recurrent, or projected to potentially occur as an impact of climate change or any extreme weather phenomenon, the use of the water pursuant to a permit may, in the interest of equitable distribution of benefits among legal appropriators, be reduced after due notice and hearing.

Article 30 *Who Shall Bear Diminution of Streamflow* - Water users shall bear the diminution of any water supply due to natural causes of force majeure.

Article 31. *Duration of Water Permits, Grounds for Suspension* - Water permits shall be valid for a period of 10 years provided water is beneficially used. However, the same may be renewed upon petition of the permittee subject to the review and evaluation of the Board.

A water permit may be suspended on the grounds of non-compliance with approved plans and specifications or schedules of water appropriation; use of water for a purpose other than that for which it was granted; non-payment of water charges; wastage; failure to regularly submit records of water diversion, withdrawal and water quality; and violation of any term or condition of any permit or of rules and regulations promulgated by the Board.

Article 32. *Temporary Permits* - Temporary permits may be issued for the appropriation and use of water for short periods under special circumstances.

Article 33. *Grounds for Revocation* - Water permit may be revoked after due notice and hearing on grounds of non-use; violation of the conditions imposed in the permit; unauthorized sale of water; willful failure or refusal to comply with rules and regulations or any lawful order; pollution, public nuisance or acts detrimental to public health and safety; when the appropriator is found to be disqualified under the law to exploit and develop natural resources of the Philippines; willful refusal to pay annual water charges; when, in the case of irrigation, the land is converted to non-agricultural purposes; and other similar grounds.

In cases where only a portion of the agricultural land was converted to non-agricultural purposes, the volume of water granted for agricultural use under the water permit shall be reduced accordingly.

Article 34. *Modification or Cancellation of Water Permits* - All water permits are subject to modification or cancellation by the Board after due notice and hearing, in favor of a project of greater beneficial use or for multi-purpose development, and a water permittee who suffers thereby shall be duly compensated by the entity or person in whose favor the cancellation was made.

CHAPTER IV UTILIZATION OF WATERS

Article 35. *Preference in the Development of Waters* - Preference in the development of water resources shall consider security of the State, multiple use, beneficial effects, adverse effects on health and environment, climate variability, and costs of development.

Article 36. *Conjunctive Utilization of Subterranean or Groundwater and Surface Water* - The utilization of subterranean or groundwater shall be coordinated with that of surface waters such as rivers, streams and lakes, so that a superior right in one is not adversely affected by an inferior right in the other.

The Board shall promulgate rules and regulations and declare the existence of control areas for the coordinated development, protection and utilization of subterranean or groundwater and surface waters.

Article 37. *Utilization of Waters in Open Canals, Aqueducts or Reservoirs of Private Persons* - Water contained in open canals, aqueducts or reservoirs of private persons may be used by any person for domestic purpose or for watering plants as long as the water is withdrawn by manual methods without checking the stream or damaging the canal, aqueduct or reservoir; Provided, That this right may be restricted by the owner should it result in loss or injury to him.

Article 38. *Recapture of Waters* - A water permittee or appropriator may use other water course to convey water to another point in the watercourse for the purpose stated in a permit and such water may be diverted or recaptured at the point by said permittee in the same amount less allowance for normal losses in transit, provided, the same will not cause flooding or any other damage such as erosion that may alter the natural watercourse in the area.

Article 39. *Precaution Against Spread of Disease* - Works for the storage, diversion, distribution, transportation and utilization of water shall contain adequate provision for the prevention and control of diseases including other adverse impacts to environmental health of affected communities that may be induced or spread by such works.

Article 40. *Reuse of Wastewater* - Reuse of wastewater shall be promoted whenever feasible. The distribution of such water for public consumption must be approved by the Department of Environment and Natural Resources and/or Department of Health prior to its actual distribution that such consumption will not adversely affect the health and safety of the public.

Article 41. *Preservation of Scenic Places and Historical Relics* - In the construction and operation of hydraulic works, due consideration shall be given to the preservation of scenic places and historical relics. No works that would require the destruction or removal of such places or relics shall be undertaken without compliance to Presidential Decree No. 1586 or the Environmental Impact Statement System Law. Further, it shall be shown that such destruction or removal is necessary and unavoidable and it is not contrary to Republic Act No. 10086 or the Strengthening People's Nationalism through Philippine History Act, and other laws.

Article 42. *Structures across Navigable or Floatable Waterways* - Authority for the construction of dams, bridges and other structures across or that which may interfere with the flow of navigable or floatable waterways shall first be secured from the Department of Transportation or appropriate government agency.

Article 43. *Approval of Plans and Specifications of Certain Hydraulic Structures* - Except in cases of emergency to save life or property, the construction or repair of the following works shall be undertaken only after the plans and specifications therefore, as may be required by the Board, are approved by the proper government agency:

- a. Dams for the diversion or storage of water;
- b. Structures for the use of water power;
- c. Installations for the utilization of subterranean or groundwater;
- d. Structures changing the natural course of surface waters regardless of intent to use or appropriate water; and
- e. Other structures for utilization of water resources.

Article 44. Approval of Plans and Specifications of Projects Regulated by Other Agencies of the Government, Liability of Contractor - When plans and specifications of a hydraulic structure are submitted for approval, the government agency whose functions embrace the type of project for which the structure is intended, shall review the plans and specifications and recommend to the Board for proper action thereon and the latter shall approve the same only when they are in conformity with the requirements of this Act and the rules and regulations promulgated by the Board. Notwithstanding such approval, neither the engineer who drew up the plans and specifications of the hydraulic structure, nor the constructor who built it, shall be relieved of his liability for damages in case of failure therefore by reason of defect in plans and specifications, or failure due to defect in construction, within fifteen (15) years from the completion of the structure.

Any action to recover such damages must be brought before the proper court within five (5) years following such failure.

Article 45. Excavation for Emission or Enlargement of Hot Spring - No excavation for the purpose of emission of a hot spring or for the enlargement of the existing opening thereof shall be made without prior permit.

Any person or agency who intends to utilize a hot spring for human consumption must first obtain clearance from the Department of Health.

Article 46. Development of Waters for Recreational Purposes - No person shall develop a river, stream, lake or spring for recreational purposes without first securing a permit from the Board.

Article 47. Inducement or Restraint of Rainfall - No person shall induce or restrain rainfall by any method such as cloud seeding without a permit from the proper government agency.

Article 48. Alteration of Water Level of River, Stream, Lake, etc. - No person shall raise or lower the water level of a river, stream, lake, lagoon or marsh nor drain the same without a permit from the appropriate agency.

Article 49. Outlets of Drainage Systems - Drainage systems shall be classified into storm or rainwater and sewerage.

Drainage for storm or rainwater shall be constructed such that its outlets are rivers and other water bodies. A storm catchment or water impoundment facility may be utilized subject to approval by the concerned government agency.

There shall be a separate drainage system for sewerage, which shall pass through a treatment facility before disposal.

In case a separate drainage is not possible, a combined sewerage and storm water drainage may be used, provided, that water passes through a treatment facility, similar to what is required for drainage of sewerage before disposal after approval from Department of Environment and Natural Resources & Department of Health.

Article 50. Cost of Construction and Maintenance of Common Drainage Channel - When a drainage channel is constructed by a number of persons for their common benefit, the cost of construction and maintenance of the channel, including damage to the environment shall be borne by each in proportion to the benefits derived.

Article 51. Easement of Drainage - When artificial means are employed to drain water from higher to lower land, the owner of the higher land shall select the routes and methods of drainage that will cause the minimum damage to the lower lands, subject to the requirements of just compensation.

Article 52. Damage Due to Use, Conveyance or Storage of Waters - When the use, conveyance or storage of waters results in damage to another, the person responsible for the damage shall pay compensation.

Article 53. Obligation of Project Constructor - When a water resources project interferes with the access of a landowner to a portion of his property or with the conveyance of irrigation or drainage water, the person or agency constructing the project shall bear the cost of construction and maintenance of the bridges, flumes and other structures necessary for maintaining access, irrigation or drainage, in addition to paying compensation for land and incidental damages.

Article 54. Easement of Aqueduct - Any person having an easement for an aqueduct may enter upon the servient land for the purpose of cleaning, repairing or replacing the aqueduct or the removal of obstructions therefrom.

Article 55. Easement of Natural Flow of Waters - Lower estates are obliged to receive the waters which naturally and without the intervention of man flow from the higher estates, as well as the stone or earth which they carry with them.

The owner of the lower estate cannot construct works which will impede this natural flow, unless he provides an alternative method of drainage; neither can the owner of the higher estate make works which will increase this natural flow.

Article 56. Easement of Public Use on Banks of Rivers and Other Natural Bodies of Water - The banks of rivers and streams and the shores of the seas and lakes throughout their entire length and within a zone of three (3) meters in urban areas, twenty (20) meters in agricultural areas and forty (40) meters in forest areas, along their margins are subject to the easement of public use in the interest of recreation, navigation, floatage, fishing and salvage. No person shall be allowed to stay in this zone longer than what is necessary for recreation, navigation, floatage, fishing or salvage or to build structures of any kind.

Article 57. Provisions of Civil Code on Easement Suppletory - The establishment, extent, forms and conditions of easements of water not expressly determined by the provisions of this Act shall be governed by the provisions of the Civil Code.

CHAPTER V CONTROL OF WATERS

Article 58. Establishment of Flood Control Areas - To promote the best interest and the coordinated protection of flood plain lands, the Secretary of Public Works and Highways in coordination with other concerned national and local government agencies may declare flood control areas and promulgate guidelines for governing flood plain management.

Article 59. Regulation of Activities within Flood Control Areas - In declared flood control areas, rules and regulations may be promulgated to prohibit or control activities that may damage or cause deterioration of lakes and dikes, obstruct the flow of water, change the natural flow of river, increase flood losses or aggravate flood problems.

Article 60. Flood Control Structures in Flood Control Areas - The government may construct necessary flood control structures in declared flood control areas, and for this purpose it shall have a legal easement as wide as may be needed along the adjacent to the river bank and outside the bed or channel of the river upon payment of just compensation.

Article 61. Cultivation of River Beds, Sandbars, and Tidal Flats - River beds, sandbars and tidal flats may not be desilted, dredged or cultivated except upon prior permission from the appropriate government agency and such permission shall not be granted where such cultivation obstructs the flow of water or increase flood levels so as to cause damage to other areas.

Article 62. Construction of Levees or Revetments by Private Land Owners - Any person may erect levees or revetments to protect his property from flood, encroachment by the river or change in the course of the river, provided that such construction does not cause damage to the property of another and does not violate other provisions of law.

Article 63. Effect of Sudden Change of Course of a River - When a river or stream, due to force majeure, suddenly changes its course to traverse private lands, the owners of the affected lands may not compel the government to restore the river to its former bed; nor can they restrain the government from taking steps to revert the river or stream to its former course. The owners of the land thus affected are not entitled to compensation for any damage sustained thereby. However, the former owners of the new bed shall be the owners of the abandoned bed in proportion to the area lost by each.

The owners of the affected lands may undertake to return the river or stream to its old bed at their own expense; Provided, that a permit therefore is secured from the Secretary of Public Works and Highways and work pertaining thereto are commenced within two years from the change in the course of the river or stream.

Article 64. Declaration of Navigability of Rivers - Rivers, lakes and lagoons may, upon the recommendation of the Department of Transportation, be declared navigable either in whole or in part.

Provided that, in protected areas, the declaration as such shall be made in coordination with the Department of Environment and Natural Resources - Biodiversity Management Bureau.

Article 65. Rafting of Logs and Other Objects - The rafting of logs and other objects on rivers and lakes which are floatable may be controlled or prohibited during designated seasons of the year with due regard to the needs of irrigation and domestic water supply and other uses of water.

Article 66. Impounding of Waters - No impounding of water in ponds or reservoirs shall be allowed if it is dangerous to public health. In consultation with the Department of Health, the Board shall be authorized to order that such pond or reservoir be drained if it is necessary for the protection of public health.

Article 67. Reservoir Storage and Operation - Waters of a stream may be stored in a reservoir by a permittee in such amounts as will not prejudice the right of any permittee downstream. Whoever operates the reservoir shall release water for environmental flow.

The Board, in consultation with the stakeholders, shall formulate criteria/guidelines for the operation of the dam/reservoir which may be the basis for prioritizing water allocation.

All dam owners/operators are required to submit their reservoir operation rule curve for normal operation to the Board for approval.

The owners/operators of dams shall be liable for all damage to life and property directly caused by their negligence in implementing safety measures related to dam protection.

Article 68. Installation of Monitoring Systems on Dams or Reservoirs - The operators of dams shall be required to install monitoring systems to measure hydrological and operational parameters such as rainfall, reservoir water level, inflows, outflows and water usage, as well as other parameters related to reservoir operations and submit to the Board for effective management of dams and reservoirs.

Article 69. Qualification Requirement to Operate Reservoir - The operator of a dam for the storage of water shall be required to employ a licensed engineer possessing qualifications prescribed for the proper operation, maintenance and administration of the dam.

Article 70. Control Measures for the Exploitation of Subterranean or Groundwater Resources - The Board shall approve the manner, location, depth and spacing in which borings for subterranean or groundwater may be made, determine the requirements for the registration of every boring or alteration to existing borings as well as other control measures for the exploitation of subterranean or groundwater resources and prescribe the qualifications of those who would drill such borings.

No person shall drill a well without permission from the Board.

Article 71. Trans-Basin Water Diversion - Water from one river basin may be transferred to another river basin only with the approval of the Board and upon consultation with concerned local government units and other stakeholders.

In considering any request of such transfer, the Board shall take into account the full costs of the transfer; the benefits that would accrue to the basin of origin without the transfer, the benefits that would accrue to the receiving basin on account of the transfer, alternative schemes for supplying water to the receiving basin, its environmental impacts to communities and other relevant factors.

CHAPTER VI

CONSERVATION AND PROTECTION OF WATERS AND WATERSHED AND RELATED LAND RESOURCES

Article 72. Establishment of Minimum Stream Flows and Water Levels - Upon determination of the Board, when warranted by circumstances, minimum stream flows for rivers and streams and minimum water levels for lakes shall be established under such conditions necessary for the protection of the environment; control of pollution, navigation, prevention of salt drainage and general public use.

Article 73. Establishment of Environmental Flow - The Board shall establish a minimum environmental flow to sustain the biodiversity demand in a river system.

The minimum environmental flow thus established shall not be subject to appropriation.

Article 74. Declaration of Protected Areas - Any watershed or any area of land adjacent to any surface water or overlying any groundwater may be declared as a protected area. Thus, the Department of Environment and Natural Resources is authorized to prohibit or control such activities by the owners or occupants thereof within the protected area which may damage or cause the deterioration of the surface water or groundwater or intervene with the investigation, use, control, protection, management or administration of such waters.

Article 75. Conservation of Waters in Wells - It shall be the duty of any person in control of a well to prevent the water from flowing on the surface of the land, or into any surface water, or any porous stratum underneath the surface without being beneficially used.

Article 76. Injurious Waters from Wells - It shall be the duty of any person in control of well containing water with minerals or other substances injurious to man, animals, agriculture, and vegetation to prevent such waters from flowing on the surface of the land or any surface water or into any aquifer or porous stratum.

Article 77. Recharge of Subterranean or Groundwater - No person shall utilize an existing well or pond or spread waters for recharging subterranean or groundwater supplies without prior permission of the Board and after securing an Environmental Compliance Certificate (ECC).

Article 78. Appropriation of Waters by Irrigators' Association - To promote better water conservation and usage for irrigation purposes, the merger of irrigators' associations/cooperatives and the appropriation of waters by associations instead of by individuals shall be encouraged.

No water permit shall be granted to an individual when his water requirement can be supplied through an irrigators' association or national irrigation system.

Article 79. *Water Resource Project and Ecological Changes* - In the consideration of a proposed water resource project, the applicant shall comply with the provisions of Presidential Decree 1586 or the Environmental Impact Statement System Law, and due regard shall be given to its ecological changes resulting from the construction of the project in order to balance the needs of development and the protection of the environment.

Article 80. *Conservation of flora and fauna* - The conservation of flora and fauna shall receive proper consideration and shall be coordinated with other features of water resources development programs to ensure that aquatic resources and wildlife values receive equal attention with other project purposes.

Article 81. *Reservation of Swamps and Marshes for Wildlife* - Swamps and marshes which are owned by the State and which have primary value for waterfowl propagation or other wildlife purposes may be reserved and protected from drainage operation and development by the Department of Environment and Natural Resources - Biodiversity Management Bureau.

Article 82. *Pollution of Source of Water Supply* - No person shall, without prior permission from the Department of Environment and Natural Resources - Environmental Management Bureau, build any works that may produce dangerous or noxious substances or perform any act which may result in the introduction of sewage, industrial waste, or any pollutant into any source of water supply.

Article 83. *Establishment of Cemetery or Waste Disposal Area Near a Source of Water Supply* - The establishment of cemeteries and waste disposal areas that may affect the source of a water supply or a reservoir for domestic or municipal use shall be subject to the rules and regulations promulgated by the Department of Health and Department of Environment and Natural Resources.

Article 84. *Dumping of Mine Tailings and Sediments into River or Waterways* - Tailings from mining operations and sediments from placer mining shall not be dumped into rivers and waterways and adjacent coastal areas without prior permission from the Board upon recommendation by the Department of Environment and Natural Resources through the Environmental Management Bureau and Mines and Geosciences Bureau.

Article 85. *Restriction in the Application of Fertilizers and Pesticides in Certain Areas* - The application of agricultural fertilizers and pesticides may be prohibited or regulated by the Department of Environment and Natural Resources in areas where such application may cause pollution to a source of water supply.

CHAPTER VII WATER RESOURCES MANAGEMENT

Article 86. *River Basin Approach in the Management of Water Resources* - Water resources shall be managed using river basin approach consistent with the principles of Integrated Water Resources Management.

Article 87. *Water Resources Region* - River basins identified within the water resources region shall, based on hydrological boundaries, include the coastal zones of influence delineated and declared by the Board in coordination with Department of Environment and Natural Resources and other concerned agencies.

Article 88. *Establishment of Water Resources Regional Councils (WRRC)* - The Board shall form and establish a Water Resources Regional Council for every water resources region previously or hereinafter identified, delineated and declared.

The formulation of plans and policies focusing on water resources development and management or the development of the river basin within the water resources region shall be the main responsibility of the WRRC. It shall also coordinate and rationalize the implementation of water and land use related programs/activities within the water resources region.

In the performance of said function, it shall take into consideration the social, economic, environmental factors, impacts of climate change and such other conditions and needs peculiar to the each river basin within the water resources region.

The Board shall have overall supervision and control of all WRRCs and see to it that its functions are properly undertaken. The Board shall, consistent with the approved plans and policies formulated by WRRC, prepare and implement Water Use/Regulation Plan for each water resources region.

Article 89. Composition of the Water Resources Regional Council - The WRRC shall be composed of a chairperson, which shall be the Regional Director of the Department of Environment and Natural Resources, co-chaired by the Regional Director of National Economic and Development Authority (NEDA) and members consisting of the following: one (1) representative each from the League of Governors and Mayors within the water resources region, one (1) representative each from the Regional Director/s of the Department of Public Works and Highways, Department of Energy, National Irrigation Administration, Environmental Management Bureau, Mines & Geosciences Bureau, Forest Management Bureau, Philippine Atmospheric, Geophysical and Astronomical Services Administration, National Commission on Indigenous Peoples and other concerned agencies.

The WRRC shall appoint one sector representative from the following: 1) water service providers in the area; 2) private sector who is a major stakeholder in the river basin; 3) non-government organizations; and 4) academe.

Article 90. Functions of Water Resources Regional Council - The WRRC shall perform the following functions:

- a. Prepare/develop long-term and short term development and management plans using the ridge to reef approach, and programs and policies which involve multi-water -sectoral concerns such as watershed, water quality, water supply, irrigation, flood control, hydropower, climate change adaptation/mitigation, disaster risk reduction, etc.;
- b. To integrate all plans and programs of all agencies of the government, local government units and other stakeholders and establish monitoring and evaluation system to effectively implement the said plans and programs.
- c. Programs, plans and policies prepared by the WRRC shall be submitted to the Board for review and approval prior to implementation. No programs, plans and policies shall be implemented without the approval of the Board.
- d. Initiate, receive, review and recommend project proposals for the development and management of the region's water resources;

e. The WRRC shall establish its own database system for data collection and research needed for planning and decision-making.

f. The National Water Resources Board shall provide administrative and technical support secretariat composed of regular employees appointed for the purpose.

Article 91. Watershed Conservation, Protection and Rehabilitation Activities - Watershed conservation, protection and rehabilitation activities and such measures which shall hereinafter be adopted by the Department of Environment and Natural Resources for the safeguard of the hydrological integrity of the watershed, shall be performed in coordination with the WRRC.

Article 92. River Basins and River Basin Organizations Declared and Created Prior to this Act - The river basins or watersheds previously declared and identified under other statutory enactments or administrative issuances shall still be recognized, and River Basin Organizations (RBOs) previously formed and existing shall remain, provided that they are consistent with the provision of Article 84 and 85 and provided further that administrative control and supervision thereof shall be transferred to the National Water Resources Board upon effectivity of this Act.

Article 93. Water Demand Management Strategies - The Board shall develop water demand management and eco-efficient water infrastructures strategies including incentives/rewards mechanism.

Article 94. Operating Expenses - The amount of Fifteen Million Pesos (P15,000,000.00) to cover the operating expenses of each WRRC for the first year of operation is hereby appropriated from the National Treasury. Succeeding appropriations shall be included in the regular budget proposals of the Board.

CHAPTER VIII ADMINISTRATION OF WATERS AND ENFORCEMENT OF THE PROVISIONS OF THE ACT

Article 95. Administration and Enforcement of the Provisions of this Act - The Administration and enforcement of the provisions of this Act, including the granting of permits and the

1006 imposition of penalties for administrative violations hereof, are hereby vested in the Board, and
1007 except in regard to those functions which under this Act are specifically conferred upon other
1008 agencies of the government, the Board is hereby empowered to make all decisions and
1009 determinations provided in this Act.

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1012 **Article 96. *Who May Be Deputized to Perform any Specific Functions of the Board*** - The
1013 Board may deputize any agency of the government to perform any of its specific functions or
1014 activities.

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1017 **Article 97. *Data Gathering and Establishment and Maintenance of Data Base System*** - The
1018 Board shall undertake hydrologic surveys and establish, operate and maintain observation station
1019 networks and a centralized water resources data center necessary for the scientific survey and
1020 appraisal of surface and ground water potentials of the country, and establish a continuing
1021 program and maintain a database system for data collection, research and manpower
1022 development needed for the appropriation, utilization, development, conservation and protection
1023 of the water resources.

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1026 **Article 98. *Rules & Regulations*** - Penalties for Violations thereof - In the implementation of
1027 the provisions of this Act, the Board shall promulgate the necessary rules and regulations which
1028 may provide penalties consisting of a fine in such amount which shall be determined by the
1029 Board and/or suspension or revocation of the water permit or the right to the use of water.
1030 Violations of such rules and regulations may be administratively dealt with by the Board.

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1032 Such rules and regulations shall take effect fifteen (15) days after publication in
1033 newspapers of general circulation.

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1035 Rules and regulations prescribed by any government agency that pertain to the utilization,
1036 development, control, conservation or protection of water resources shall be subject to the
1037 approval of the Board.

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1040 **Article 99. *Water Fees or Charges*** - The Board is hereby authorized to impose and collect
1041 reasonable fees and charges for water resources development from water appropriators, except
1042 when it is purely domestic purpose.

Annual Water Charge shall be based on volumetric pricing, which amount shall be determined in accordance with the parameters to be set by the Board.

All fines, penalties, fees and charges shall be remitted to the National Treasury under a special account for utilization of the Board in the implementation of water resources management and development programs and projects as may be recommended by the Board.

Article 100. Authority to Enter Public and Private Lands; Power of Eminent Domain - The Board shall be empowered to enter upon private lands, with prior notice to the owner, for the purpose of conducting surveys and hydrologic investigations and to perform such other acts as are necessary in carrying out their functions including the power to exercise the right of eminent domain.

Article 101. Approval of Programs and Projects Required; Consultation with Public Prior to Implementation - No program or project involving the appropriation, utilization, exploitation, development, control, conservation, or protection of water resources may be undertaken without prior approval of the Board, except those which the Board may, in its discretion, exempt.

The Board may require consultation with the public prior to the implementation of certain water resources development projects.

Article 102. Power to Administer Oath, Issue Subpoena and Cite a Party for Contempt - The Board thru its duly authorized representatives, in the exercise of its power to investigate and decide cases brought to its cognizance shall have the power to administer oaths, compel the attendance of witnesses by subpoena and the production of relevant documents by *subpoena duces tecum*.

Non-compliance or violation of such orders or *subpoena* and *subpoena duces tecum* shall be punished in the same manner as indirect contempt of an inferior court upon application by the aggrieved party with the proper Regional Trial Court in accordance with the provisions of Rule 71 of the Rules of Court.

Article 103. Decision of the Board Immediately Executory - The Board shall have original and exclusive jurisdiction over all disputes relating to appropriation, utilization, development,

control, conservation and protection of waters within the meaning and context of the provisions of this Act.

The decisions of the Board on water rights controversies shall be immediately executory and enforcement thereof may be suspended only when a bond in an amount fixed by the Board to answer for damages occasioned by the suspension or stay of execution shall have been filed by the appealing party, unless the suspension is by virtue of an order of a competent court.

All disputes shall be decided within sixty (60) days after the parties shall have submitted the same for decision or resolution.

The Board shall have the power to issue writs of execution and enforce its decisions with the assistance of local or national police agencies.

Article 104. *Appeal from Decisions of the Board* - The decisions of the Board in the exercise of its original jurisdiction may be appealed to the Court of Appeals in accordance with Rule 43 of the Revised Rules of Court.

CHAPTER IX PENAL PROVISIONS

Article 105. *Administrative Penalties for Certain Acts* - The following acts shall be penalized by suspension or revocation and/or a fine in an amount to be determined by the Board:

- a. Appropriation of subterranean or groundwater for domestic use by an overlying landowner without registration required by the Board.
- b. Appropriation of water without a water permit, unless such person is expressly exempted from securing a permit by the provisions of this Act.
- c. Non-observance of any standard of beneficial use of water.
- d. Failure of the appropriator to keep and submit a record of water withdrawal.
- e. Failure to comply with any of the terms or conditions in a water permit or a water rights grant.
- f. Unauthorized use of water for a purpose other than that for which a right or permit was granted.
- g. Construction or repair of any hydraulic work or structure without duly approved plans and specifications, when required.

- h. Failure to install a regulating and measuring device for the control of the volume of water appropriated.
- i. Unauthorized sale, lease, or transfer of water and/or water rights.
- j. Failure to provide adequate facilities to prevent or control diseases when required by the Board in the construction of any work for the storage, diversion, distribution and utilization of water.
- k. Drilling of a well without permission of the Board.
- l. Utilization of an existing well or pond or spreading of water for recharging subterranean or groundwater supplies without permission of the Board.
- m. Violation of or non-compliance with any order, rule, or regulation of the Board.
- n. Illegal taking or diversion of water in an open canal, aqueduct or reservoir.
- o. Malicious destruction of hydraulic works or structures valued at not exceeding *Fifty Thousand Pesos (P50, 000.00)*. Penalty should be defined but less than that of Art. 104.

Article 106. Criminal Acts Defined and Penalized –

A. A fine of *Twenty Thousand Pesos (P20,000.00)* but not exceeding *Fifty Thousand Pesos (P50,000.00)* or imprisonment for not more than three (3) years, or both such fine and imprisonment, in the discretion of the Court, shall be imposed upon any person who commits any of the following acts:

1. Appropriation of water without a water permit, unless such person is expressly exempted from securing a permit by the provisions of this Act.
2. Unauthorized obstruction of an irrigation canal.
3. Cultivation of a river bed, sand bar or tidal flat without permission.
4. Malicious destruction of hydraulic works or structure valued at more than *Fifty Thousand Pesos (P50,000.00)* but not exceeding *Two Hundred Fifty Thousand Pesos (P250, 000.00)*.

B. A fine exceeding *Thirty Thousand Pesos (P30,000.00)* but not more than *Sixty Thousand Pesos (P 60,000.00)* or imprisonment exceeding three (3) years but not more than six (6) years, or both such fine and imprisonment in the discretion of the Court, shall be imposed on any person who commits any of the following acts:

1. Distribution for public consumption of waste water which adversely affects the health and safety of the public.
2. Excavation or enlargement of the opening of a hot spring without permission.

3. Unauthorized obstruction of a river or waterway, or occupancy of a river bank or seashore without permission.
4. Establishment of a cemetery or a waste disposal area near a source of water supply or reservoir for domestic or municipal use without permission.
5. Constructing, without prior permission of the government agency concerned, works that produce dangerous or noxious substance, or performing acts that result in the introduction of sewage, industrial waste, or any substance that pollutes a source of water supply.
6. Dumping mine tailings and sediments into rivers or waterways without permission.
7. Malicious destruction of hydraulic works or structure valued more than *Two Hundred Fifty Thousand Pesos (P250,000.00)* but not exceeding *One Million Pesos (P1,000,000.00)*.

C. A fine exceeding *Sixty Thousand Pesos (P60,000.00)* but not more than *One Hundred Thousand Pesos (P100,000.00)* or imprisonment exceeding six (6) years but not more than twelve (12) years, or both such fine and imprisonment, in the discretion of the Court shall be imposed upon any person who commits any of the following acts.

1. Misrepresentation of citizenship in order to qualify for water permit.
2. Malicious destruction of a hydraulic works or structure, valued at more than *One Million Pesos (P 1,000,000.00)*.

Article 107. Liability of Official of Juridical Entities - If the offense is committed by a corporation, trust, firm, partnership, association or any other juridical person, the penalty shall be imposed upon the President, General Manager, and other guilty officer or officers of such corporation, trust firm, partnership association or entity, without prejudice to the filing of a civil action against said juridical person. If the offender is an alien, he shall be deported after serving his sentence, without further proceedings.

After final judgment of conviction, the Court upon petition of the prosecuting attorney in the same proceedings, and after due hearing, may, when the public interest so requires, order the suspension or dissolution of such corporation, trust, firm, partnership, association or juridical person.

Article 108. Jurisdiction of Courts - All actions for offenses punishable under Article 104 of this Act shall be brought before the proper court.

Article 109. *Period of Prescription for Criminal Offenses* – All actions for offenses punishable under this Act by a fine of not more than *Thirty Thousand Pesos (P30,000.00)* or by an imprisonment of not more than three (3) years, or both such fine and imprisonment, shall prescribe in five (5) years; those punishable by a fine exceeding *Thirty Thousand Pesos (P30,000.00)* but not more than *Sixty Thousand Pesos (P60,000.00)* or an imprisonment exceeding three (3) years but not more than six (6) years, or both such fine and imprisonment, shall prescribed in seven (7) years; and those punishable by a fine exceeding *Sixty Thousand Pesos (P60,000.00)* but not more than *One Hundred Thousand Pesos (P100,000.00)* or an imprisonment exceeding six (6) years but not more than twelve (12) years, or both such fine and imprisonment, shall prescribed in ten (10) years.

CHAPTER X FINAL PROVISIONS

Article 110. *No Vested Rights* - No vested or acquired right to the use of the water can arise from acts or omissions which are against the law or which infringe upon the rights of others.

Article 111. *Arbitration Clause* - All conflicts, controversies and issues related to water rights may be subject to arbitration in accordance with the provisions of RA 9285 otherwise known as "Alternative Dispute Resolution Act of 2004".

Article 112. *Implementing Rules and Regulations* - The Board shall issue the necessary rules and regulations for the effective implementation of this Act within ninety (90) days of its approval. The Board shall take the lead in the preparation of the implementing rules and regulations with the active involvement of stakeholders.

Article 113. *Validity of Acts and Contracts under Prior Legislations* - Acts and contracts under the regime of old laws, if they are valid in accordance therewith, shall be respected, subject to the limitations established in this Act. Any modification or extension of these acts and contracts after the promulgation of this Act, shall be subject to the provisions hereof.

Article 114. *Separability Clause* - If any provision of this Act shall be held unconstitutional or invalid, the other provisions not otherwise affected shall remain in full force and effect.

Article 115. *Repealing Clause* - The provisions of Presidential Decree No. 1067 otherwise known as The Water Code of the Philippines and all other laws, decrees, executive orders, proclamations and other executive issuances which are inconsistent with or contrary to the provisions of this Act are hereby repealed or amended.

Article 116. *Effectivity upon Publication* - This Act shall take effect immediately after its publication on the Official Gazette, Office of the National Administrative Register (ONAR) bulletin and in leading newspapers of general circulation.

Signed,