



REPUBLIC OF THE PHILIPPINES
HOUSE OF REPRESENTATIVES
Quezon City

Seventeenth Congress
Third Regular Session

House Bill No. 8783



Introduced by Rep. AURELIO "DONG" D. GONZALES, JR.

EXPLANATORY NOTE

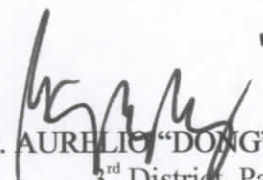
Water is a vital source of life.

Every human being needs water to survive. Clean and safe drinking water is a primary human need, and access to such is a human right.

The current environmental changes and uncontrolled risks due to human activities (e.g. industrialization, urbanization, water exploration, and tourism) and natural events are threats to the safe quality of water. Vulnerability to contamination of water supply systems increases due to extreme weather events brought by global warming and climate change and the occurrence of emergencies and disasters. As a result, outbreaks of water-borne diseases in different parts of the country have occurred in the last ten (10) years as reported in the Field Epidemiology Training Programme Outbreak Investigation Reports of the National Epidemiology Center of the Department of Health (DOH).

From January to June of 2018, the DOH reported 9,435 cases of acute bloody diarrhea where 11 died; 9,201 cases of typhoid fever, 18 cases of which led to deaths; and other water-borne diseases such as cholera, hepatitis A, and rotavirus. This report clearly shows that contaminated water poses great danger to the lives and health of Filipinos.

The passage of this Bill is earnestly sought to immediately address drinking water quality issues for the protection of health of the Filipino people, thereby creating greater awareness and deeper understanding on the importance of clean water to health and development of our communities.


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3rd District, Pampanga

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House Bill No. **8783**

Introduced by Rep. AURELIO "DONG" D. GONZALES, JR.

AN ACT PROVIDING FOR A COMPREHENSIVE SAFE DRINKING WATER QUALITY
MANAGEMENT, APPROPRIATE FUNDS THEREOF, AND FOR OTHER PURPOSES

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

CHAPTER 1
GENERAL PROVISIONS

ARTICLE 1
DECLARATION OF PRINCIPLES AND POLICIES

SECTION 1. *Short Title.* This Act shall be known as the "*Philippine Safe Drinking Water Act*".

SECTION 2. *Declaration of Policy.* The State shall pursue a policy on ensuring the health of the population through the provision of safe drinking water. To achieve this end, the framework for human rights, equity, sustainable development, and risk management shall be pursued. As such, it shall be the policy of the State:

- a) To provide safe drinking water to all population as a basic human right with priority accorded to poor and persons with disability, a determinant of health, and a necessity for economic development and human survival.
- b) To promote risk management strategies, use of appropriate tools and instruments and of control mechanisms for the protection of water sources and the entire water supply system against contamination that will adversely affect human health;
- c) To promote and regulate drinking-water supply technologies, services, and products that are environment-friendly, reliable, safe, compliant to health requirements, gender-sensitive, and energy efficient;

- d) To implement a comprehensive management program on water safety planning with water quality surveillance that will ensure the safety of drinking water in various settings, including emergencies;
- e) To develop and implement a program for improving coverage, availability and capacity of laboratories and portable kits that can analyze drinking-water quality;
- f) To enhance adequacy and competence of human resources relevant to drinking-water quality management;
- g) To enforce compliance to the Philippine National Standards for Drinking Water and other environmental laws affecting drinking-water quality;
- h) To promote risk communication, public information and education, research, and to encourage the participation of an informed and active public in drinking-water quality management;
- i) To formulate and enforce a system of auditing and accountability of drinking-water quality management for short and long-term health impact of a water supply project, program or activity; and
- j) To encourage civil society and other sectors, particularly the academe, faith organizations, NGOs and business groups undertaking environment and health -related activities to organize, educate and motivate the people in addressing pertinent drinking-water quality issues and problems at the local and national levels.

SECTION 3. *Scope and Coverage of the Act.* - This Act shall apply to all drinking-water service providers and establishments or institutions with drinking-water systems catering to the public in all settings and shall cover activities relevant to water source protection, water supply materials and devices, water treatment technologies, water laboratories and portable test kits, water safety plan development and implementation, water quality surveillance and auditing, emergency including water crisis, human resource development on drinking-water quality management, drinking-water quality research, and regulatory instruments and schemes.

ARTICLE 2 DEFINITION OF TERMS

SECTION 4. *Definition of Terms.* - As used in this Act:

- a) **Authorized Agency** – refers to the Regional Office of the Department of Health (DOH);
- b) **Certificate of Potability of Drinking Water** – refers to a certification issued by the DOH Secretary or his duly authorized representative attesting the safeness of drinking water for human consumption based on the Philippine National Standards for Drinking Water;

- c) **Certificate of Water and Sanitation Program (WSP) Acceptance** – refers to a document issued by the DOH or its authorized office attesting WSP approval;
- d) **Civil Society** – refers to non-government organizations (NGOs) and people's organizations (POs);
- e) **Contaminant** – refers to any substance, whether physical, microbiological, chemical, or radiological substances which directly or indirectly:
 - (i) alters the quality of any segment of the water supply system to affect or tend to affect the intended use thereof;
 - (ii) appears to be hazardous or potentially hazardous to health;
 - (iii) imparts objectionable odor, taste, or color to the supplied water that will discourage its intended use;
 - (iv) turns out to be in excess of the allowable limits, concentrations, or quality standards specified, in the latest edition of the Philippine National Standards for Drinking Water;
- f) **Contamination** – refers to any alteration of the physical, chemical, biological, or radiological properties of drinking water resulting in the impairment of quality to make it unfit for drinking;
- g) **Department** – refers to the Department of Health;
- h) **Deputized Agency** – refers to a non-DOH entity delegated by DOH to conduct a specific function on its behalf and under its supervision;
- i) **Drinking Water** – refers to water intended for human consumption or for use in food preparation;
- j) **Drinking Water Service Provider** – refers to any of the following company, agency or institution in-charge of operating a potable water supply system:
 - (i) *Water District (WD)* – refers to a local corporate entity that operates and maintains a water supply system in one or more provincial cities or municipalities. It is classified as a government-owned and controlled corporation, existing under the authority of The Provincial Water Utilities Act of 1973 (P.D. 198, as amended);
 - (ii) *Rural Waterworks and Sanitation Association (RWSA)* – is the cooperative, non-profit, non-stock association operating a rural water supply and sanitation system by virtue of E.O. 577 (1980), E.O. 869 (1983) and E.O. 124 (1987);

- (iii) *Barangay Waterworks and Sanitation Association (BWSA)* – is composed of member-consumers who administers, operates and maintains a barangay water supply system. The BWSA is registered with the municipal or city council and formed and organized by virtue of R.A. 6716 (1989);
 - (iv) *Concessionaire* – refers to a private company with concession or franchise agreement to manage and operate water supply facilities owned by the Metropolitan Waterworks and Sewerage System (MWSS) under R.A. 8041 (1995) and E.O. 311 (1996), or any similar water supply operator;
 - (v) *Water service cooperative* – is a cooperative duly registered with the Cooperative Development Authority under R.A. 9520 (2008) whose main purpose or one of its purposes is to own, operate, and manage water supply systems for the provision and distribution of potable water to its members and other customers;
 - (vi) *Private water utility* – refers to a local corporate entity that operates and maintains a water supply system in one or more provincial cities or municipalities managed by a non-government institution;
 - (vii) *Bulk water operator* – refers to a local corporate entity that develops a water source and sells water by volume to a water utility through pipe connection;
 - (viii) *Water peddler* – refers to a local corporate entity that sells water through water tank delivery mechanisms.
- k) Drinking Water Quality** – refers to the characteristics of drinking water in terms of physical, chemical, biological, microbiological or radiological parameters by which the acceptability of drinking water is evaluated;
- l) Drinking Water Quality Management** – refers to a process of effectively utilizing all elements of drinking-water system to ensure availability of safe drinking water when needed by the target population;
- m) Drinking Water Quality Parameters** – refers to the physical, bacteriological, chemical, biological and radiological limits of the Philippine National Standards for Drinking Water (PNSDW) to be measured or determined in drinking water to determine its safety which can be classified as follows:
- (i) *Mandatory* – legally enforceable parameters that all drinking water service providers nationwide are required to test;
 - (ii) *Primary* – site-specific parameters which directly affect health through acute or chronic exposure and can be part of mandatory parameters;
 - (iii) *Secondary* – parameters that affect the acceptability of drinking water and can determine the operational conditions of the drinking-water system.

- n) **Drinking Water Site Clearance** – refers to a permission issued by the Department of Health (DOH) or its duly authorized representative allowing a drinking-water service provider to use a water source attesting that it is free from pathogenic organisms, toxic substances and pollutants;
- o) **Drinking Water System** – refers to a system that involves water source, transmission, treatment, distribution, storage, and consumption of drinking water;
- p) **Establishment** – refers to an entity or institution whose main purpose is to provide any type of service where provision of drinking water is part of the main service such as schools, hospitals, church, hotels, restaurants, and other establishments mentioned in the Code of Sanitation of the Philippines;
- q) **Human Resources** – refers to any person involved in the development, installation, operation, training, water quality testing and analysis, monitoring, inspection, auditing, and regulation aspects related to drinking water system;
- r) **National Safe Drinking Water Quality Status Report** – refers to a report to be prepared by the Department of Health (DOH) indicating:
 - (i) The location of drinking water service providers and their respective profiles;
 - (ii) Water safety plan status;
 - (iii) Compliance status to the latest edition of the Philippine National Standards for Drinking Water; and
 - (iv) Status of support services in terms of human resources and water laboratories.
- s) **Philippine National Standards for Drinking Water (PNSDW)** – refers to the numerical values of physical, chemical, biological, microbiological or radiological parameters which are used to evaluate the quality of drinking water in the Philippines;
- t) **Portable Water Test Kits** – refers to the gadgets for on-site testing of water quality;
- u) **Safe Drinking Water** – refers to the water that conforms to the mandatory requirements of the Philippine National Standards for Drinking Water;
- v) **Safe Drinking Water Quality Management Framework** – refers to the policy guideline integrating existing frameworks prepared by all government agencies containing the following:
 - (i) Safe drinking-water quality goals and targets;

- (ii) Period of compliance;
- (iii) Water contamination control strategies and techniques;
- (iv) Water quality information and education program;
- (v) Water quality testing, monitoring, auditing, and surveillance;
- (vi) Human resources development program;
- (vii) Accreditation of water laboratories and training providers;
- (viii) Certification of water supply treatment gadgets;
- (ix) Water safety plan development;
- (x) Implementation and auditing; and
- (xi) Research and development.

w) Sanitary Clearance – refers to a permission issued by the local health office to water delivery vehicles, mobile water tankers and similar vehicles, including its appurtenances, that they comply with the design, construction, specification and other requirements of the Department of Health (DOH);

x) Potable Water – synonymous to safe drinking water;

y) Settings – refers to the place or social context in which people engage in daily activities in which environmental, organizational, and personal factors interact to affect health and well-being;

z) Water Safety Plan – refers to a comprehensive preventive management plan that assesses risks from water sources to consumers, provides control measures to priority risks, and monitors effectiveness of control measures;

aa) Water Treatment – refers to any method, technique, or process designed to alter the physical, chemical or biological and radiological character or composition of any water to reduce or prevent contamination; and

bb) Water Treatment Technology – refers to water treatment devices or apparatus, processes, or other means that effectively prevent, control, eliminate or reduce contaminants in water caused by environmental hazards from any sources.

CHAPTER 2

DRINKING-WATER QUALITY MANAGEMENT SYSTEM

ARTICLE 1

GENERAL PROVISIONS

SECTION 5. *Philippine National Standards for Drinking Water.* The Department shall update or revise the existing Philippine National Standards for Drinking Water (PNSDW) based on current developments or as the need arises on the frequency to be decided by the Department. The PNSDW shall be the basis for declaring the safety of drinking water. All mandatory parameters are enforceable. The Department shall likewise declare mandatory, primary and secondary parameters and shall prepare specific guidelines on how each parameter shall be complied.

SECTION 6. *Water Safety Planning.* All drinking water service providers and establishments or institutions catering to the public with drinking water systems shall develop their water safety plan and submit it to the Department or its duly authorized entity for approval, monitoring and auditing purposes. Approved water safety plans shall be valid for three (3) years, unless suspended or revoked by the Department due to specific violations under this Act. The Department shall be responsible for providing specific guidelines on how to develop, monitor and audit water safety plans.

SECTION 7. *Drinking Water Service Providers.* All drinking water service providers shall be registered to the Department or its duly authorized or deputized agencies with the submission of entity profile and water safety plan based on the guidelines of the Department. Such water safety plan shall be subject to the approval, monitoring and auditing of the Department or its authorized entity. The registration of the drinking water service providers shall be valid for three (3) years, unless suspended or revoke due to specific violations under this Act. The Department shall make the list of registered drinking water service providers known to the public.

SECTION 8. *Establishments Catering to the Public with Drinking Water Systems.* All establishments catering to the public with drinking water systems shall submit to the Department or its authorized or deputized agency a water safety plan based on the guidelines of the Department.

SECTION 9. *Water Laboratories.* All water laboratories providing services for the purposes of this Act shall be accredited by the Department or its authorized entity based on the guidelines of the Department. A Certificate of Accreditation valid for the period to be decided by the Department shall be issued. The Department shall make the list of accredited water laboratories known to the public.

SECTION 10. *Portable Water Test Kits.* All portable test kits shall be allowed without registration from the Department if will be used for self-monitoring purposes of water quality by drinking water service providers or establishments with drinking water systems catering to the public. However, these kits shall be approved by the Department if to be used as part of the operation of the accredited water laboratories and as basis for declaring to the public the safety of drinking water.

SECTION 11. *Water Treatment Technology or Devices.* All water treatment technology and devices used for drinking water systems or sold in the market to treat drinking water in an establishment or household shall be registered to the Department or its duly authorized entity. A Certificate of Registration valid for the period to be decided by the Department shall be issued.

SECTION 12. *Water Supply Materials and other Appurtenances.* All pipe materials and other appurtenances used in the water supply systems of the drinking water service providers and establishments catering to the public with drinking water system shall comply with the health and safety standards of the Department.

SECTION 13. *Human Resources.* All human resources involved in the inspection, review and approval, monitoring, and auditing of drinking water quality management systems, such as, water laboratories, portable test kits, pipe materials and appurtenances, and water safety plans shall undertake proficiency tests to be undertaken by the Department or its accredited institutions. All training providers (institutions or individual) offering capacity building services for drinking water quality management systems shall be registered to the Department or its duly authorized entity.

SECTION 14. *Drinking Water Safety During Emergency.* During an emergency, upon declaration by the President of the Republic of the Philippines, the Department or its authorized agency has the authority to monitor the quality of drinking water and declare its safety if the same will be used in public places such as evacuation centers. All water treatment technologies to be used for emergency cases shall be approved by the Department.

SECTION 15. *Water Quality Surveillance and Audit.* The Department or its authorized entity shall conduct annual water quality surveillance in areas to be designated by the Department. The Department or its authorized entity has the authority to inspect all water supply systems of the drinking water service providers or establishments catering to the public for the purpose of auditing the water quality of the drinking water supply system as well as the implementation of their water safety plans.

SECTION 16. *Drinking Water Quality Research and Development Programs.* The Department, in coordination with the Department of Science and Technology (DOST), other concerned agencies and academic research institutions, shall establish a national research and development program for the prevention and control of waterborne diseases caused by water contamination. As part of said program, the DOST shall conduct and promote the coordination and acceleration of research, investigation, experiments, training, survey and studies relating to the causes, extent, prevention and control of water supply contamination among concerned government agencies and research institutions

SECTION 17. *Regulatory Instruments.* To ensure safety of drinking water, the following regulatory instruments shall be applied:

- A. *Certificate of Potability of Drinking Water.*** All drinking-water service providers shall secure a Certificate of Potability from the local health authority to attest the safe quality of their drinking water system. The validity of this certificate will be decided by the Department.

- B. Certificate of Accreditation.** All water laboratories and training institutions that will participate to the drinking water safety program shall be issued with Certificate of Accreditation by the Department.
- C. Certificate of Product Registration.** All entities engaged in the provision of drinking water supply to the public shall secure a Certificate of Product Registration of water supply materials, appurtenances, treatment technologies or devices from the Department.
- D. Certificate of Proficiency.** All human resources that will conduct capacity building activities on water quality analysis, water quality treatment, water quality monitoring, and water safety planning shall be issued a Certificate of Proficiency by the Department.
- E. Certificate of WSP Acceptance.** All water safety plans shall be reviewed by the Department and will be issued a Certificate of WSP Acceptance attesting WSP approval.
- F. Drinking Water Site Clearance.** All persons or entities intending to develop a drinking water system for public consumption shall secure a drinking water site clearance from the Department or its duly authorized entity. No drinking water system shall be installed and operated without such clearance from the Department.
- G. Operational Permit.** All drinking water systems shall have an operational permit issued by the Department or its duly authorized entity before using the facility for catering to the public.
- H. Sanitary Clearance.** All water delivery vehicles, mobile water tankers and similar vehicles, including its appurtenances, shall be issued a Sanitary Clearance by the Department upon evaluation.

CHAPTER 3

INSTITUTIONAL MECHANISM

SECTION 17. *Lead Agency.* - The Department shall be the primary government agency responsible for the implementation and enforcement of this Act, unless otherwise provided herein. As such, it shall have the following functions, powers and responsibilities:

- A. Prepare a National Drinking Water Quality Status Report within twenty four (24) months from the effectivity of this Act to include the baseline of water quality in all LGUs as basis of site specific mandatory parameters for monitoring, among others: *Provided, That the Department shall thereafter review or revise and publish annually, or as the need arises, said report;*
- B. Prepare a National Drinking Water Quality Management Action Plan to address identified drinking water quality issues within twelve (12) months following the completion of the baseline of water quality and determination of site-specific mandatory parameters for monitoring in all LGUs;

- C. Coordinate with Department of Environment and Natural Resources (DENR) on the classification of water bodies and National Water Resources Board (NWRB) on the quality of groundwater and establish an inventory of water sources with water quality data which are being used or potential to be used as sources of drinking water;
- D. Review and update the Philippine National Standards of Drinking Water (PNSDW) in coordination with appropriate agencies every five (5) years or as need arises;
- E. Review and update the national standards for bottled water quality in coordination with appropriate agencies every five (5) years or as need arises;
- F. Review and update the accreditation system for water laboratories within twelve (12) months from the effectivity of this Act;
- G. Regulate technologies, services, control measures and advisories which will support safety of drinking water;
- H. Issue certificate of product registration for water purification devices, water pipes and appurtenances, handpumps, and water tanks used in drinking water systems which are efficient and have no adverse impact on health;
- I. Exercise jurisdiction over all aspects of water contamination, determine its location, magnitude, extent, severity, causes, effects and other pertinent information on contamination, and take measures, using available methods and technologies, to prevent and abate such contamination;
- J. Head the National Drinking Water Quality Management Board;
- K. Establish a cooperative effort in partnership with other national government agencies, LGUs, academic institutions, professional groups, civil society and the private sectors to attain the objectives of this Act;
- L. Disseminate information and conduct educational awareness and value-formation programs and campaigns on the effects of water contamination on health to encourage an environmental health action-oriented society in coordination with government agencies identified in Section 23 of this Act;
- M. Promote and encourage private and business sectors, especially manufacturing and processing plants in the use of drinking water quality management systems equipment, including but not limited to, water purification and treatment facilities and water laboratories;
- N. Issue rules and regulations for the effective implementation of the provisions of this Act;

- O. Issue orders against any person or entity and impose fines, penalties and other administrative sanctions to compel compliance with drinking water quality and the provisions of this Act;
- P. Undertake appropriate protocol with other concerned agencies for immediate coordinated responses to water supply-related emergency incidents;
- Q. Allocate funds for the implementation of national activities of the Department under this Act;
- R. Issue permits, clearances, certificates, and similar instruments pursuant to this Act; and
- S. Exercise such powers and perform such other functions as may be necessary to carry out the objectives of this Act.

SECTION 18. *National Drinking Water Quality Management Committee.*

- A. ***Composition.*** The National Drinking Water Quality Management Committee (NDWQMC) shall be composed of the member agencies of the water and sanitation task force under the Inter-agency Committee on Environmental Health created by Executive Order No. 489, series of 1991, but not limited to representatives from Department of Environment and Natural Resources (DENR), Department of Public Works and Highways (DPWH), Department of the Interior and Local Government (DILG), Department of Science and Technology (DOST), Department of Agriculture (DA), Local Water Utilities Administration (LWUA), Metropolitan Waterworks and Sewerage System (MWSS), National Water Resources Board (NWRB), and Laguna Lake Development Authority (LLDA). The Department shall chair the NDWQMC.
- B. ***Roles and Functions.*** The NDWQMC shall have the following roles and functions:
 - 1. Coordinate the conduct of baseline testing of drinking water quality nationwide;
 - 2. Endorse the report of baseline testing of drinking water quality in all LGUs, the national drinking water quality status report, and the national drinking water quality management action plan as bases of action for all LGUs;
 - 3. Issue guidelines and recommend to the Local Drinking Water Quality Monitoring Committee (LDWQMC) site specific mandatory parameters from the baseline testing;
 - 4. Review and approve the local drinking water quality management action plans;
 - 5. Conduct random monitoring and audit on water quality issues in selected drinking water service providers and report to appropriate agencies on any violation of this Act;
 - 6. Resolve conflicts relevant to the use of drinking water sources beyond the jurisdiction of the LDWQMC;

7. Provide technical assistance to the LDWQMC as needed or as requested;
8. Coordinate with other government agencies, development partners and donors to mobilize resources needed to support key activities of the national drinking water quality management action plan and other relevant activities; and
9. Provide oversight functions to the works of the LDWQMC.

SECTION 19. *Local Drinking Water Quality Management Committee*

- A. **Composition.** The Local Drinking Water Quality Management Committee (LDWQMC) shall be composed of the member agencies of the City/Municipal Development Councils, but not limited to the following agencies: Office of the Mayor, City/Municipal Planning and Development Office, City/Municipal Engineering Office, City/Municipal Health Office, City/Municipal Environment and Natural Resources Office, and City/Municipal Agriculture Office. The Office of the Mayor shall chair the LDWQMC.
- B. **Roles and Functions.** The Local Drinking Water Quality Management Committee shall have the following roles and functions:
 1. Issue resolutions for the establishment or adoption of site-specific mandatory parameters from the recommendations of the NDWQMC;
 2. Review the local drinking water quality management action plan for endorsement to the NDWQMC;
 3. Review and adopt technologies, services, control measures and advisories which will support safety of drinking water;
 4. Conduct external audit of the implementation of water safety plans of drinking water service providers within the jurisdiction of LGUs and report to appropriate agencies on any violation of this Act;
 5. Resolve conflicts relevant to the use of drinking-water sources within the jurisdiction of the LGUs;
 6. Request technical assistance from the NDWQMC when needed;
 7. Promote consumer education to include among others, (a) drinking water hygiene awareness raising; (b) basic technical training and technology transfer in drinking water supply and management; (c) consideration of and approaches to overcoming socio-cultural barriers to acceptance of water quality interventions; (d) motivation, mobilization and social marketing activities, and (e) a system of continued support, follow-up and dissemination of the drinking water quality program to achieve and maintain sustainability; and

8. Coordinate with other government agencies and civil society, and the concerned sectors in the implementation of measures to prevent and control drinking water contamination.

SECTION 20. – *Roles of Local Government Units.* Local government units shall share the responsibility in the management and improvement of drinking water quality within their territorial jurisdictions, and shall have the following roles:

- A. Prepare a compliance scheme, subject to the review of the LDWQMC, within six (6) months after the establishment of the national water quality management action plan;
- B. Inspect and monitor drinking water quality of all drinking water service providers, including the implementation of water safety plans;
- C. Implement the local drinking water quality management action plan;
- D. Regulate all activities affecting drinking water quality; and
- E. Coordinate with other government agencies, civil society and concerned sectors in the implementation of measures to prevent and control drinking water contamination and water source pollution.

SECTION 21. *Drinking Water Service Providers.* All drinking water service providers shall:

- A. Comply with the regulatory requirements of the Department as provided in Section 17 of this Act;
- B. Develop and implement their own water safety plans;
- C. Conduct monitoring and internal auditing of their own water safety plans;
- D. Provide information or advisory to their consumers on the status of the quality of their water supply; and
- E. Educate their consumers on how to keep their water supply free from contamination.

SECTION 22. *Business and Industry Role in Drinking Water Quality Management.* The Department and the LGUs, in coordination with the appropriate government agencies and in consultation with the business and industrial sectors including commerce, shall formulate appropriate incentives for the adoption of procedures or control measures which will protect water sources or provide water purification devices or equipment which are efficient and non-hazardous to health in removing or reducing contamination.

SECTION 23. *Linkage Mechanism.* The Department shall coordinate and enter into agreements with other government agencies and concerned sectors in furtherance with the objectives of this Act. The following agencies shall perform their functions, as specified hereunder:

- A. *Department of Interior and Local Government (DILG)* – shall conduct advocacy for the enactment of LGU ordinances on drinking water safety; issue Orders for the creation of Local Drinking Water Quality Management Board (LDWQMB); and prepare annual reports of the LDWQMB activities;
- B. *Department of Public Works and Highways (DPWH)* – through its attached agencies, such as the MWSS, LWUA, and including other urban water utilities, shall regulate water quality control of water supply facilities;
- C. *Department of Environment and Natural Resources (DENR)* – shall primarily be responsible for the classification of bodies of water and the enforcement of the Clean Water Act (R.A. 9275) affecting sources of drinking water;
- D. *Department of Science and Technology (DOST)* – in coordination with the Department and other concerned agencies, shall prepare a program for the research, evaluation, verification, development and public dissemination of water treatment and water laboratory technologies;
- E. *Department of Education (DepEd), Commission Higher Education (CHED), and Philippine Information Agency (PIA)* – shall assist and coordinate with the Department in the preparation and implementation of a comprehensive information, education and communication program pursuant to the objectives of this Act;
- F. *National Water Resources Board (NWRB)* – shall issue guidelines on water safety for drinking water service providers under its regulation; and conduct associated water quality monitoring and auditing;
- G. *Local Water Utilities Administration (LWUA)* – shall issue guidelines to water districts and RWSAs in compliance to the standards and requirements of the Department; and
- H. *Metropolitan Waterworks and Sewerage System (MWSS)* – shall issue guidelines to its concessionaires in compliance to the standards and requirements of the Department.

The Department may call other agencies that can assist in pursuing the objectives of this Act.

SECTION 24. Requirement of Record-keeping, Authority for Entry to Premises and Access to Documents. - The Department or its duly authorized or deputized representative shall, after proper consultation and notice, require any person who owns or operates any drinking water system, who is subject to any requirement of this Act, to submit reports and other written information as may be required by the Department.

Any record, report or information obtained under this Section shall be made available to the public, except upon a satisfactory showing to the Department by the entity concerned that the record, report, or information or parts thereof, if made public, would divulge secret methods or processes entitled to protection as intellectual property. Such record, report or information shall likewise be incorporated in the Department's rating system. Pursuant to this Act, the Department, through its

authorized representatives, shall have the right to: (a) enter any premises or to have access to documents and relevant materials as referred to in the herein preceding paragraph; (b) inspect any part of the water supply system, monitoring equipment or method required; and (c) test any water sample from different points in a water supply system.

CHAPTER 4

INCENTIVES AND REWARDS

SECTION 25. *Rewards.* Rewards, monetary or otherwise, shall be provided to individuals, private organization and entities, including civil society, that have undertaken outstanding and innovative projects, technologies, processes and techniques or activities in drinking water quality management. The Department shall develop a program for the reward system.

SECTION 26. *Incentives Scheme.* An incentive scheme is hereby provided for the purpose of encouraging LGUs, water districts (WDs), enterprises, or private entities, and individuals, to develop or undertake an effective drinking-water quality management, or actively participate in any program geared towards the promotion thereof as provided in this Act.

A. Non-Fiscal Incentive

1. *Inclusion in the Investments Priority Plan (IPP).* Subject to the rules and regulations of the Board of Investments (BOI), water treatment and/or adoption of water quality control technology, and water laboratory technology shall be classified as preferred areas of investment under its annual priority plan and shall enjoy the applicable fiscal and non-fiscal incentives as may be provided for under the Omnibus Investment Code, as amended.

B. Fiscal Incentives

1. *Tax and Duty Exemption on Imported Capital Equipment.* Within ten (10) years upon the effectivity of this Act, LGUs, WDs, enterprises or private entities shall enjoy tax-and duty-free importation of machinery, equipment and spare parts used for water treatment and water laboratory facilities: Provided, That the importation of such machinery, equipment and spare parts shall comply with the following conditions:

- a. They are not manufactured domestically in sufficient quantity, of comparable quality and at reasonable prices;
- b. They are reasonably needed and will be used actually, directly and exclusively for the above-mentioned activities; and
- c. Written endorsement by the Department that the importation of such machinery, equipment and spare parts would be beneficial to environmental health protection and drinking water quality management: *Provided, further,* That the sale, transfer or disposition of

such machinery, equipment and spare parts without prior approval of the BOI within five (5) years from the date of acquisition shall be prohibited, otherwise the LGU concerned, WD, enterprise or private entity and the concerned vendee, transferee or assignee shall be solidarity liable to pay twice the amount of tax and duty exemption given it.

2. *Tax and Duty Exemption of Donations, Legacies and Gifts.* All legacies, gifts and donations to LGUs, WDs, enterprises, or private entities and individuals, for the support and maintenance of the program for effective drinking water quality management shall be exempt from donor's tax and shall be deductible from the gross income of the donor for income tax purposes.

Imported articles donated to, or for the account of any LGUs, WDs, local water utilities, enterprises, or private entities and individuals to be exclusively used for drinking water quality management programs shall be exempted from the payment of customs duties and applicable internal revenue taxes.

C. Financial Assistance Program

Government financial institutions such as the Development Bank of the Philippines (DBP), Land Bank of the Philippines, Government Service Insurance System (GSIS), and such other government institutions providing financial services shall, in accordance with and to the extent allowed by the enabling provisions of their respective charters or applicable laws, accord high priority to extend financial services to LGUs, WDs, enterprises, or private entities engaged in water treatment and water laboratory facilities.

D. Extension or Grants to LGUs

Cities and municipalities which shall establish or operate water laboratories may be entitled to receive grants for the purpose of developing technical capabilities.

CHAPTER 5 CIVIL LIABILITY/PENAL PROVISIONS

SECTION 27. *Prohibited Acts.* - The following acts are hereby prohibited:

- A. Discharging, depositing or causing to be deposited material of any kind directly or indirectly into the water bodies used as sources of drinking water or along the margins of any surface water, where, the same shall be liable to be washed into such surface water, either by tide action or by storm, floods or otherwise, which could cause water pollution or impede natural flow in the water body;
- B. Discharging, injecting or allowing to seep into the soil or sub-soil any substance in any form that would pollute groundwater that is used as source for drinking water.

In the case of geothermal projects, and subject to the approval of the Department, regulated discharge for short-term activities (e.g. well testing, flushing, commissioning, venting) and deep re-injection of geothermal liquids may be allowed: *Provided*, that safety measures are adopted to prevent the contamination of the groundwater;

- C. Unauthorized transport or dumping of sewage sludge as defined by the R.A. 9275, solid waste as defined under R.A. 9003, and prohibited chemicals, substances or pollutants listed under R.A. 6969 into water bodies that are used or potentially to be used as sources of drinking water;
- D. Refusal to allow entry, inspection and monitoring by the Department in accordance with this Act;
- E. Refusal to allow access by the Department to relevant reports and records in accordance with this Act;
- F. Refusal or failure to submit reports whenever required by the Department in accordance with this Act;
- G. Directly using booster pumps in the distribution system or tampering with the water supply in such a way as to alter or impair the water quality;
- H. No person charged with the management of a public water supply system shall permit any physical connection between its distribution system and that of any other water supply, unless the latter is regularly examined as to its quality by those in charge of the public supply to which the connection is made and found to be potable;
- I. All activities that may cause contamination to drinking water within the radius of 25 meters are prohibited; and
- J. No artesian, deep or shallow well shall be constructed within 25 meters from any source of pollution unless authorized by the health authority in certain exigencies

SECTION 28. *Fines, Damages and Penalties.* Unless otherwise provided herein, any person who commits any of the prohibited acts provided in the immediately preceding section or violates any of the provisions of this Act or its implementing rules and regulations, shall be fined by the Secretary, upon the recommendation of the NDWQMB in the amount of not less than Ten Thousand Pesos (P10,000.00) nor more than Two Hundred Thousand Pesos (P200,000.00) for every day of violation. The fines herein prescribed shall be increased by ten percent (10%) every two (2) years to compensate for inflation and to maintain the deterrent function of such fines: *Provided*, That the Secretary, upon recommendation of the NDWQMB may order the closure, suspension of development or construction, or cessation of operations or, where appropriate disconnection of water supply, until such time that proper environmental safeguards

are put in place and/or compliance with this Act or its rules and regulations are undertaken. This paragraph shall be without prejudice to the issuance of an *ex parte* order for such closure, suspension of development or construction, or cessation of operations during the pendency of the case.

In case of gross violation of this Act, the NDWQMB shall issue a resolution recommending that the proper government agencies file criminal charges against the violators. Gross violation shall mean any of the following:

- A. Deliberate discharge of toxic pollutants identified, pursuant to R.A. 6969, in toxic amounts or intentional ingress of microbiological contaminants in water sources or in any part of the water supply system;
- B. Five (5) or more violations within a period of two (2) years; or
- C. Blatant disregard of the orders of the NDWQMB, or the LDWQMB, as the case maybe, such as the non-payment of fines, breaking of seals or operating despite the existence of an order for closure, discontinuance or cessation of operation.

In which case, offenders shall be punished with a fine of not less than Five Hundred Thousand Pesos (P500,000.00) but not more than Three Million Pesos (P3,000,000.00) per day for each day of violation or imprisonment of not less than six (6) years but not more than ten (10) years, or both, at the discretion of the court.

For violations falling under Section 27 of R.A. 9275 that affect drinking water sources or any regulations prescribed in pursuance thereof, such person shall be liable for a fine of not less than Fifty Thousand Pesos (P50,000.00) nor more than One Million Pesos (P1,000,000.00) or by imprisonment of not less than one (1) year nor more than six (6) years or both, for each offense, without prejudice to the civil liability of the offender in accordance with existing laws. If the offender is a juridical entity, then its officers, directors, agents or any person primarily responsible shall be held liable. The owner or operator of a facility which discharged harmful substances will be liable to pay for any clean-up costs.

SECTION 29. *Administrative Sanctions Against Non-compliance with the Drinking Water Quality Management Action Plan.* Local government officials concerned shall be subject to Administrative sanctions in case of failure to comply with their action plan accordance with the relevant provisions of R.A. 7160.

CHAPTER 6 ACTIONS

SECTION 30. *Administrative Action.* - Without prejudice to the right of any affected person to file an administrative action, the Department shall, on its own instance or upon verified complaint

by any person, institute administrative proceedings in the proper forum against any person who violates:

- A. Standards or limitations provided by this Act; or
- B. By any such order, rule or regulation issued by the Department with respect to such standards or limitations.

CHAPTER 7 FINAL PROVISIONS

SECTION 31. *Appropriations.* An amount of One Hundred Million Pesos (P100,000,000.00) shall be appropriated from the savings of the National Government to the Department for the initial implementation of this Act. Thereafter, the amount necessary to effectively carry out the provision of this Act shall be included in the General Appropriations Act of the year following its enactment into law and thereafter.

SECTION 32. *Implementing Rules and Regulations.* The Department, in coordination with the Committees on Environment and Ecology of the Senate and the House of Representatives, respectively and other concerned agencies shall promulgate the implementing rules and regulations for this Act, within one (1) year after the enactment of this Act: Provided, that rules and regulations issued by other government agencies and instrumentalities for the prevention and/or abatement of water supply contamination, not inconsistent with this Act, shall supplement the rules and regulations issued by the Department, pursuant to the provisions of this Act.

The draft of the implementing rules and regulations shall be published and be the subject of public consultations with affected sectors.

There shall be a mandatory review of the implementing rules and regulations and standards set pursuant to the provisions of this Act.

SECTION 33. *Joint Congressional Oversight Committee.* There is hereby created a Joint Congressional Oversight Committee to monitor the implementation of this Act and to review the implementing rules and regulations promulgated by the Department. The Committee shall be composed of five (5) Senators and five (5) House Representatives to be appointed by the Senate President and the Speaker of the House of Representatives, respectively. The Oversight Committee shall be co-chaired by the Chairpersons of the Committee on Environment of the Senate and the Committee on Ecology of the House of Representatives.

SECTION 34. *Repealing Clause.* All provisions of Presidential Decree No.522 and 856 and R.A. 9275 that are inconsistent with this Act are hereby repealed or amended accordingly.

SECTION 35. *Separability Clause.* If any provision of this Act or the application of such provision to any person or circumstances is declared unconstitutional, the remainder of the Act or

the application of such provision to other person or circumstances shall not be affected by such declaration.

SECTION 36. *Effectivity.* This Act shall take effect fifteen (15) days from the date of its publication in the Official Gazette or in at least two (2) newspapers of general circulation.