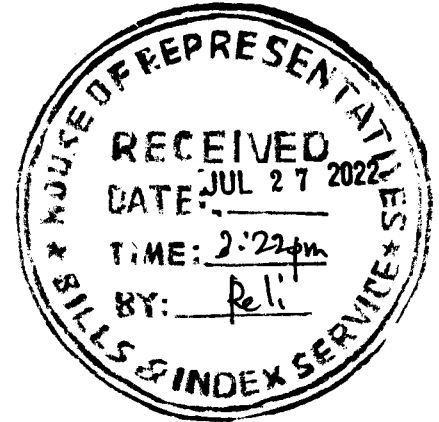


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

NINETEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 2538



Introduced by Representative Ambrosio "Boy" C. Cruz, Jr.

EXPLANATORY NOTE

The 1987 Constitution provides that "the national territory comprises the Philippine archipelago, with all the islands and waters embraced therein, and all other territories over which the Philippines has sovereignty or jurisdiction, consisting of its terrestrial, fluvial, and aerial domains, including its territorial sea, the seabed, the subsoil, the insular shelves, and other submarine areas. The waters around, between, and connecting the islands of the archipelago, regardless of their breadth and dimensions, form part of the internal waters of the Philippines."

The Philippines, as an archipelagic country, is endowed with vast water resources, yet water shortage is felt all year round all over the country. Another challenge the Philippines faces is improper water waste treatment. During the 16th Water Environment Partnership in Asia (WEPA) Annual Meeting, it was reported that "only 10% of wastewater is treated.", while "only 5% of the total population is connected to a sewer network." On a larger scale, climate change has drastically affected water resources and these negative effects are especially felt during the El Niño and La Niña episodes.

The burden falls upon the government to institute a water resources management system that effectively delivers safe and clean water to its constituents and provides for its proper treatment, disposal, and waste sanitation.

Pursuant to Presidential Decree No. 1067 or the Water Code of the Philippines, there exists a National Water Resources Board (NWRB) vested with powers to

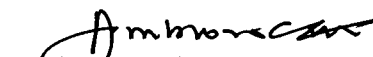
coordinate and integrate water resources development. The NWRB, as an attached agency, is under the administrative supervision of the Department of Environment and Natural Resources (DENR).

The creation of a separate department that will be devoted to policies focused on high priority issues such as water supply shortages not only in Metro Manila and neighboring provinces, but all over the country, the El Niño and La Niña phenomena, and lack of sewerage systems, will be greatly beneficial to the Philippines. Proper water resources management could only result in positive repercussions for the simple Filipino citizens and the Philippine economy and environment.

This bill seeks to create a Department of Water Resources Management, which shall ensure the maximum utilization of available water resources for the least costs possible while warranting equal distribution to Filipinos all over the country.

A government that is able to provide even the most basic needs to its people is one that satisfies the principles of social justice.

Considering the foregoing, passage of this bill is earnestly sought.


AMBROSIO "BOY" C. CRUZ, JR.
Representative, Fifth District of
Bulacan

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

NINETEENTH CONGRESS
First Regular Session
HOUSE BILL NO. 2538

Introduced by Representative Ambrosio “Boy” C. Cruz, Jr.

**AN ACT CREATING THE DEPARTMENT OF WATER RESOURCES
MANAGEMENT, DEFINING ITS POWERS, FUNCTIONS AND JURISDICTION,
APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES**

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

Section 1. Title - This Act shall be known as the “Department of Water Resources Management Act.”

Section 2. Declaration of Policy - The establishment of an efficient waterworks system that will optimize water resources and supply to guarantee the delivery of ample, clean, and safe water to meet the demands of use for Domestic, Municipal, Irrigation, Power generation, Fisheries, Livestock raising, Industrial, Recreational, and Other purposes is essential to the promotion of the general welfare of all Filipinos.

Section 3. Scope -

(a) There is hereby created a Department to be known as the Department of Water Resources Management, hereinafter referred to as the Department, which shall be organized within thirty (30) days after the approval of this Act;

(b) The principal place of business of the Department shall be in the City of Manila. The Department shall have such branches as may be necessary for the execution of its mandates; and

(c) The Department shall have exclusive jurisdiction and control over all existing waterworks and sewerage systems in the Philippines.

Section 4. Powers and Functions - The Department shall have the following powers and functions:

(a) To unify existing government agencies and instrumentalities having water-related functions into the Department of Water Resources Management;

(b) To promulgate the policies consistent with the State's Declaration of Policy;

(c) To cause to be built and operate such waterworks as maybe necessary for the proper purification and regulation of water supply and resources;

(d) To cause to be built and operate infrastructure, machinery and works, directly used in the supply, treatment, purification, regulation, and control of water resources and sanitary treatment, such as, but not limited to dams, aqueducts, tunnels, treatment plants, pipes, water stations, and sewerages;

(e) To pursue, develop, and utilize alternative water sources found within the country;

(f) To determine and fix water tariffs and sewerage service charges in accordance with and to review such charges annually and provide for its adjustment upon consultation with relevant stakeholders;

(g) To acquire and possess property of all kinds and dispose of such property as may be necessary for the operations of the Department and for the fulfillment of its mandates;

(h) To regulate and supervise the operations of existing waterworks and sewerage systems and those to be established hereafter, whether within private or public property;

(i) To exercise the State's right of eminent domain for purposes relative to the supply, purification, management, and treatment of water supply;

(j) To conduct laboratory tests and calibration of water meters and to provide guidelines for their proper installation and actual procedure of mounting, dismounting, and remounting of water meters; and

(k) To report to the President of the Philippines, the President of the Senate and Speaker of the House of Representatives every first Monday of August of every year.

Section 5. *Board of Trustees of the Department* - The powers and duties described herein for the fulfillment of the mandates of the Department shall be vested in a Board of Trustees, which shall be composed of a Chairperson, a Vice Chairperson who shall act as General Manager, and three members, who shall head the Executive Committees of the Department.

The members of the Board of Trustees shall be natural-born citizens of the Philippines and, at the time of their appointment, at least thirty-five years of age, of good moral character, possess any one or a combination of the following qualifications: (1) duly licensed professional of recognized competence in civil engineering and/or sanitary engineering, (2) business management and finance, and law, or (3) recognized labor leader within the ranks with sufficient training, particularly in the field of labor-management relations or corporate practice, with at least five (5) years of actual and distinguished experience in their respective fields of expertise, and must not have been candidates for any elective position in the elections immediately preceding their appointment.

The members of the Board of Trustees shall be appointed by the President with the consent of the Commission on Appointments for a term of seven years without reappointment. Of those first appointed, the Chairperson shall hold office for seven years, the Vice Chairperson for five years, and the three members for three years, without reappointment. Appointment to any vacancy shall be only for the unexpired term of the predecessor. In no case shall any Member be appointed or designated in a temporary or acting capacity.

The members of the Board may for cause be suspended or removed by the President of the Philippines upon the recommendation of the Secretary of Justice after due notice and hearing.

Section 6. *Executive Committees* - The three members of the Board of Trustees

shall organize an Executive Committee for Administration and Finances, Planning and Operations, and Planning and Services. Each Executive Committee shall be under the direct supervision of the Chairperson.

The Executive Committees shall be responsible for providing the Board of Trustees assistance in carrying out the plans and projects of the Department. The Executive Committee shall administer, supervise, and control the operations of projects implemented by the Department.

A monthly report shall be made to the Board of Trustees by each Executive Committee every last Monday of each month.

Section 7. Sectoral Regulation - The Department shall coordinate with the following sectors for the effective enforcement of this Act:

- (a) The Department of Environment and Natural Resources (DENR);
- (b) The Department of Agriculture (DA);
- (c) The Department of Public Works and Highways (DPWH);
- (d) The Department of Interior and Local Government (DILG);
- (e) The Department of Transportation and Communication (DOTC);
- (f) The Department of Health (DOH);
- (g) The Department of Science and Technology (DOST);
- (h) The National Economic and Development Authority (NEDA);
- (i) Local Water Utilities;
- (j) Maynilad Water Company, Inc. (MWCI);
- (k) Maynilad Water Services, Inc. (MWSI);
- (l) National Irrigation Administration (NIA); and
- (m) Local Government Units (LGUs).

Section 8. Implementing Rules and Regulations - The Department shall promulgate the necessary implementing rules and regulations (IRR) for the implementation of this Act, in consultation with the concerned government agencies, within one hundred ninety (190) days from the effectivity of this Act. The IRR shall take effect fifteen (15) days following its complete publication in two (2) newspapers of general circulation.

Section 9. Appropriations - The amounts necessary to carry out the initial implementation of this Act shall be sourced from any of the National Treasury, and is

hereby appropriated and authorized to be released for the organization of the Department and its initial operations.

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

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

Section 10. *Repealing Clause* - All laws, decrees, orders, resolutions, instructions and rules and regulations or parts thereof which are inconsistent with this Act are hereby deemed repealed or modified accordingly.

Section 11. *Separability Clause* - If any provision or part of this Act is declared unconstitutional, the remaining parts or provisions not affected shall remain in full force and effect.

Section 12. *Effectivity* - This Act shall take effect fifteen (15) days from its complete publication in at least two (2) newspapers of general and local circulation.

Approved,