

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City



NINETEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 2880

Introduced by **Representative Wilbert T. Lee**

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

EXPLANATORY NOTE

Along with climate change, water resources management is the next great global concern. The paradox of our time is that our planet's surface is made up of 71% water yet so many places around the world are facing water shortage. This is because 96% of all water on earth is in the oceans and not for daily use.

According to World Wildlife Fund¹, "1.1 billion people lack access to water and 2.7 billion experience water scarcity at least one month a year. By 2025, two-thirds of the world's population may be facing water shortages. When waters run dry, people can't get enough to drink, wash, or feed crops, and economic decline may occur. In addition, inadequate sanitation—a problem for 2.4 billion people—can lead to deadly diarrheal diseases, including cholera and typhoid fever, and other water-borne illnesses."

In the Philippines, more than three million people rely on unsafe and unsustainable water sources and seven million lack access to improved sanitation.² Current projections of climate up to 2050 suggest the Philippines will become warmer, with increasing temperature and decreasing rainfall during the dry season and more extreme rainfall events during the wet season. This will undoubtedly exacerbate both water availability during periods of drought and the magnitude of flood events during periods of heavy rainfall.³

In addition to water stresses from a changing climate, the population is expected to increase by around fifty percent (50%) up to 2050, with the urban population set to double over the same period. This will further exacerbate pressures on future water resources.⁴

¹ World Wildlife Fund (n.d.) *Water Scarcity*. Retrieved last 31 July 2022 from: <https://www.worldwildlife.org/threats/water-scarcity>

² Water.org (n.d.) *Philippines' water and sanitation crisis*. Retrieved from: <https://water.org/our-impact/where-we-work/philippines/>

³ Barkwith, Andrew. British Geological Survey. (10 June 2021). *Improving water security in the Philippines*. Retrieved from: <https://www.bgs.ac.uk/news/improving-water-security-in-the-philippines>

⁴ *Ibid.*

We are already feeling the effects of water shortage. It is not an infrequent occurrence for water companies to limit or ration water services during the dry season to ensure that enough supplies are available until the rainy season. Clean and potable water figures in all aspects of our future: from the health and survival of our people, to our food supply, to our agricultural and industrial development.

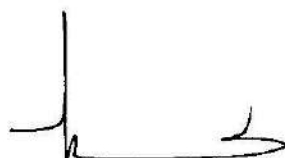
Before it reaches a full crisis mode, there is an urgent need to establish a department with a mandate and ample resources that will be commensurate to the surmountable challenges that we will be facing. This early, we need to create an effective and sustainable water resources management program that will be resistant to the effects of climate change and sufficient to serve the needs of our developing and growing country.

This measure establishes the Department of Water Resources Management whose task is to develop and implement programs and policies to promote universal access to safe, adequate, affordable, and sustainable water supply, irrigation, sewage, and sanitation services for all Filipinos. This bill likewise seeks to promote the use of rainwater harvesting facilities throughout our country to augment our water supply needs.

Under this measure, the new Department is likewise mandated to protect all water resources with greater emphasis on sources of drinkable water and work closely with the Local Government Units (LGUs) for the protection of waters within their jurisdictions especially on pollution prevention and river restoration. Another provision under this bill also puts a spotlight on barangays as it transfers the supervision from the Department of Public Works and Highways to the new Department on the construction and operation of all wells and other water-harvesting facilities.

If we truly value life, we need to value water that gives life to us all.

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



HON. WILBERT T. LEE
Representative
AGRI PARTYLIST

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

CHAPTER I
GENERAL PROVISIONS

SECTION 1. *Short Title.* This Act shall be known as the “Department of Water Resources Management Act”.

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

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

- a) To prioritize and pursue the immediate attainment of universal access to safe, adequate, and sustainable water supply for all Filipinos and adopt all necessary measures directed towards the realization of the human right to water; and
- b) To strengthen and coordinate water resource planning and policymaking to ensure sustainable and fair allocation and efficient use of water resources between competing water uses and users, including but not limited to domestic and municipal use, irrigation, sanitation, power generation, farming, fisheries, commercial, and industrial use.

SEC. 3. *Definition of Terms.* As used in this Act:

- a) Department – refers to the Department of Water Resources Management.

- 1 b) Rainwater harvesting facility – refers to a flood control structure such as a vertical
2 detention tank, horizontal water tank, open retarding basin, and multi-use water
3 catchment area, or an on-site regulation pond used to prevent or delay the release
4 of rainwater into the public drainage system.
- 5 c) Sanitation – refers to sewage, sanitation, and septage management.
- 6 d) Sewerage – refers to any system or network of sanitary pipelines, ditches, channels,
7 or conduits including pumping stations, lift stations, and force mains, service
8 connections including other constructions, devices, or appliances appurtenant
9 thereof, which includes the collection, sanitary piping transport, pumping, and
10 treatment of water-borne human or animal waste removed from residences,
11 buildings, institutions, industrial, and commercial establishments to point of
12 sewage treatment plant disposal.
- 13 e) Sewage – refers to water-carried waste in solution or suspension, including sanitary
14 waste (waste products of normal living), commercial waste, Industrial waste,
15 agricultural waste, and surface runoff, conveyed by a sewerage system for
16 treatment or disposal. For purposes of this Act, the definition of septage shall be
17 included in the use of sewage.
- 18 f) Septage – refers to sludge produced on individual on-site wastewater disposal
19 systems, principally septic tanks and cesspools.

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

24

25 CHAPTER II

26 ORGANIZATION

27 **SEC. 4. *The Department of Water Resources Management.*** There is hereby created
28 and established the Department of Water Resources Management, hereinafter referred to as the
29 "Department," which shall be organized within one hundred twenty (120) days after the
30 effectivity of this Act. The Department shall be tasked with developing and implementing a
31 comprehensive water usage and conservation program for the Philippines including, but not
32 limited to:

- 33 a) Implementing necessary policy and resource reforms with respect to the
34 management of all water resources including irrigation, sewage, and sanitation;
35 b) Monitoring and evaluating compliance with the national goals relating to water,
36 irrigation, sewage, and sanitation;
37 c) Formulating a national updated road map to address the water, sewage, and
38 sanitation requirements of the State; and
39 d) Improving conservation of water and increasing system efficiencies.

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

- 42 1) Develop policies to promote universal access to safe, adequate, affordable and
43 sustainable water supply, irrigation, sewage, and sanitation services for all
44 Filipinos;
45 2) Coordinate with relevant government agencies or entities to provide policy
46 directions, strategies, and targets to meet the goals and objectives for water supply,

- 1 irrigation, sewage, and sanitation. Such policies shall, among other things, integrate
2 the issues of water, irrigation, sewer, energy, environment, and food security;
- 3 3) Manage and protect the country's water resources to ensure the optimal use thereof
4 for domestic water supply, sewage, sanitation, irrigation, hydropower, navigation,
5 flood control, and recreation including the enhancement and maintenance of water
6 quality, conservation of watersheds control of water pollution, and environmental
7 restoration, without compromising the natural ecosystem functions and services;
- 8 4) Manage the ownership, appropriation, utilization, exploitation, development,
9 conservation and protection of water resources including but not limited to ground
10 water, surface water, rainwater, run-offs, floods, stormwater and urban drainage,
11 and treated wastewater and the rights to land related thereto and their competing
12 demands;
- 13 5) Ensure the protection of all water resources with greater emphasis on sources of
14 potable water and coordinate with the Local Government Units (LGUs) for the
15 protection of waters within their jurisdiction especially on pollution prevention and
16 river restoration;
- 17 6) Undertake and coordinate with other agencies and government entities in data
18 gathering, scientific research, and studies on water resources management and
19 development, and conduct nationwide hydrologic surveys to determine the annual
20 renewable water available per water region;
- 21 7) Formulate and enforce rules and regulations in the administration and management
22 of the country's water resources and implement rules and guidelines for the
23 enforcement of water-related laws;
- 24 8) Conduct continuing surveys and studies of the country's renewable water supply
25 with a view towards formulation of long-term policies to balance the sustainability
26 and optimal use of water resources, defining the hydrologic boundaries of basins of
27 the existing water supply sources, and creating and implementing countrywide
28 master plans for water resources management and development;
- 29 9) Coordinate with and assist other government agencies in all aspects of data
30 gathering, conduct studies and research, and classify and establish water quality
31 standards for surface and ground water, including national standards for drinking
32 water and wastewater effluence in coordination with relevant agencies;
- 33 10) Coordinate with other relevant agencies to engage in flood control and flood risk
34 management, formulate integrated water resources management (IWRM) policies
35 and plans, and coordinate the implementation, promotion, revision and
36 enhancement of IWRM plans;
- 37 11) Effect and compel inter-sectoral, inter-agency, and inter-departmental coordination
38 on water, irrigation, energy, environmental, sewage, and sanitation resources
39 development planning with the aim of operationalizing the integrated approach
40 water resources management;
- 41 12) Regulate and control the utilization, exploitation, abstraction, diversion, and
42 development of water resources, taking into account its equitable distribution, and
43 determine the standards of beneficial and priority uses of water in times of crisis
44 and national emergencies;
- 45 13) Promote water recycling and conservation as well as spearhead the efforts towards
46 the study, research, feasibility, installation, and operation of desalination systems;
- 47 14) Assist and provide the National Economic and Development Authority (NEDA)
48 with required data and inputs from and for the water sector in the formulation of the
49 country's short-term and long-term strategic development plans and actions;

- 1 15) Coordinate with other relevant government agencies and develop policies and plans
2 in respect of water resources for farming, including sustainable mechanisms for
3 irrigation;
- 4 16) Coordinate with other relevant government agencies in order to educate the public
5 regarding water conservation, recycling, and other relevant information for the
6 fulfillment of the goals of this Act.
- 7 17) Pass upon, approve, or disapprove all plans, programs, or development projects of
8 private individuals, corporations, and government agencies, whether national or
9 local, that affect water resources, its diversion or abstraction, and the construction
10 of hydraulic facilities, including but not limited to plans and projects in watershed
11 or basin areas of water supply sources, which have direct or indirect impact on the
12 affected locality's water resources;
- 13 18) Review from time-to-time regulations prescribed by any government agency
14 pertaining to water use, exploitation, development, conservation, or protection of
15 waters, water resources, and watershed or basin areas;
- 16 19) Authorize its representatives or any deputized agent to enter any property of public
17 dominion or any private land, building, or enclave, whether inhabited or not for the
18 purpose of conducting hydrologic surveys and investigations, including assessing
19 and evaluating the conditions of water facilities installed and determining
20 compliance with water laws and standards;
- 21 20) Require LGUs and national agencies to submit zoning and land use management
22 plans to ensure the integration of water resource management plans; Provided, that
23 no zoning and land use plan shall become effective and enforceable unless and until
24 a certification of integration of water, sewage, and sanitation resource management
25 plan has been issued by the Department.
26 Should the Department have serious concerns affecting conservation and
27 sustainability of water supply, such concerns must first be resolved by the
28 Department and the concerned LGU and/or national agency. However, in the
29 absence of such concerns, the concerned LGU and/or government agency may,
30 ninety (90) days from the submission of its zoning and land use plan and after
31 submitting to the Department a written notice of compliance with this provision,
32 proceed with the implementation of its zoning and land use plan without prejudice
33 to later integration of the water resource management plan for the locality;
- 34 21) Provide technical assistance to water, irrigation, sewer, and sanitation users,
35 whether directly or in coordination with other agencies, to assist them in applying
36 for water and irrigation permits and providing data on water, irrigation, sewage, and
37 sanitation resource usage;
- 38 22) Plan, design, construct, and/or improve all types of irrigation projects and
39 appurtenant structures;
- 40 23) Operate, maintain, and administer all national irrigation systems (NIS);
- 41 24) Supervise the operation, maintenance, and repair, or otherwise, administer
42 temporarily all communal and pump irrigation systems constructed, improved,
43 and/or repaired wholly or partially with government funds;
- 44 25) Supervise the operation, maintenance, and repair, or otherwise, administer
45 temporarily all communal and pump irrigation systems constructed, improved,
46 and/or repaired wholly or partially with government funds;
- 47 26) Delegate the partial or full management of NIS to duly organized cooperatives or
48 associations;
- 49 27) Construct multiple-purpose water resources projects designed primarily for
50 irrigation, and secondarily for hydraulic power development and/or other uses such

- as flood control, drainage, land reclamation, domestic water supply, roads and highway construction, and reforestation, among others; Provided, that the plans, designs, and the construction thereof shall be undertaken in coordination with the agencies concerned;
- 28) Charge and collect from the beneficiaries of the water from all irrigation systems constructed under its administration;
- 29) In coordination with other relevant government agencies, develop and implement effective codes, standards, and reasonable guidelines to ensure the safety of all public and private structures in the country and assure efficiency and proper quality in the construction of water, irrigation, sewage, and sanitation infrastructures;
- 30) Coordinate with relevant government agencies, including the Department of Environment and Natural Resources, to ensure that the agencies' respective standards complement each other when taken as part of a larger whole;
- 31) In coordination with other relevant agencies, ascertain that all plans and project implementation designs are consistent with current standards and guidelines;
- 32) Provide the works supervision function for all public works construction and ensure that actual construction is done in accordance with approved government plans and specifications;
- 33) Assist other government agencies, including LCDs, in determining the most suitable entity to undertake the actual construction of water, irrigation, sewage, and sanitation projects;
- 34) Maintain and cause to be maintained all flood control, water resource development systems, irrigation systems, and other public works throughout the country except those that are the responsibility of other agencies as directed by the President of the Philippines or as provided by law;
- 35) Provide integrated planning for flood control, flood risk management and water resource development and management systems, other public works;
- 36) Issue and promulgate rules, regulations, and guidelines as may be necessary to implement and enforce its powers and functions under this Act;
- 37) Determine and require the monitoring and submission of such data, statistics, and other information as may be necessary for the effective and efficient exercise of its duties, functions, powers and responsibilities;
- 38) Respond to consumer complaints and ensure the adequate promotion of consumer interests;
- 39) Deputize agents, whether from the public or private sector, to assist in the performance of any of the powers and functions of the Department;
- 40) Appoint, hire, and maintain adequate staff and personnel, advisers, and/or consultants, with suitable qualifications and experience, as necessary;
- 41) Manage funds coursed through it under the General Appropriations Act intended as financial assistance to Local Water Districts (LWDs) or LGUs for the development and/or improvement of water supply and sanitation facilities;
- 42) Exercise such other powers and functions necessary or incidental to the effective administration and management of the country's water, irrigation, sewage, and sanitation resources;
- 43) Exercise such other incidental powers and functions as may be necessary to attain the objectives of this Act;
- 44) Carry such other functions as the President may from time to time assign to the Department consistent with the aims and provisions of this Act; and
- 45) Promulgate rules on prohibited acts and impose the appropriate penalties thereto.

1 **SEC. 6. *Barangay Water Harvesting.*** The duties under Republic Act No. 6716 or the
2 Act Providing for the Construction of Water Wells, Rainwater Collectors, Development of
3 Springs and Rehabilitation of Existing Water Wells in All Barangays in the Philippines of 1989
4 shall be transferred from the Department of Public Works and Highways to the Department
5 who shall consult with the respective LGUs for implementation. The Department shall, within
6 two (2) years after the approval of this Act and every year thereafter, submit periodic reports
7 to the respective Committees on Local Government of both Houses of the Congress of the
8 Philippines for evaluation and consideration.

9 **SEC. 7. *Rainwater Harvesting Facility Requirement.*** An owner or developer of a new
10 commercial, institutional, and residential development project anywhere in the Philippines
11 with a land area of at least two thousand (2,000) square meters and requiring the issuance of a
12 building permit, shall reserve, develop, and maintain at least three percent of the total area,
13 exclusive of roads, service streets, and alleys as a rainwater harvesting facility. The Housing
14 and Land Use Regulatory Board (HLURB) and the LGUs shall require and ensure compliance
15 with this provision and shall deny requests for permits concerning the construction project until
16 this provision is complied with. The design and specifications for the rainwater harvesting
17 facility shall be prescribed by the Department. Projects still under construction of sixty (60)
18 days following the effectivity of this Act shall be covered by this provision and shall comply
19 within three (3) years from the effectivity of this Act.

20 Violators of this provision shall suffer the penalty of an administrative fine of not less
21 than Five hundred thousand (Php 500,000) but not more than Two million pesos (Php
22 2,000,000) for every year of non-compliance.

23 **SEC. 8. *Unlawful Acts.*** A person is guilty of unlawful defilement of water when he
24 intentionally or with reckless imprudence, introduces, places, or causes to be introduced or
25 placed into a water supply, a defiling agent with the intent to cause sickness, physical injury,
26 severe disfigurement or death of another human being, or with intent to cause irreparable harm
27 to such water supply or to disturb the public peace.

28 Violators of this provision shall suffer a penalty of imprisonment of not less than five
29 (5) years but not more than thirty (30) years, a fine of not less than Five hundred thousand
30 pesos (Php 500,000) but not more than Ten million pesos (Php 10,000,000) or both at the
31 discretion of the courts.

32 **SEC. 9. *Special Fund.*** Fines collected from violators under Sec. 7 of this Act shall be
33 placed in a special fund and allocated to the Department for the implementation of Sec. 6 of
34 this Act.

35 **SEC. 10. *Secretary of the Department of Water Resources Management.*** The
36 authority and responsibility for the exercise of the mandate of the Department and for the
37 discharge of its powers and functions shall be vested in the Secretary of the Department of
38 Water Resources Management, hereinafter referred to as the Secretary, who shall have
39 supervision and control over the Department and shall be appointed by the President. For such
40 purposes, the Secretary shall:

- 41 (a) Advise the President on the promulgation of executive or administrative orders,
42 regulations, proclamations, and other issuances related to matters under the
43 jurisdiction of the Department;
- 44 (b) Establish the policies and standards for the operation of the Department pursuant
45 to the President's guidelines;
- 46 (c) Promulgate rules and regulations necessary to carry out Department objectives,
47 policies, and functions;

- (d) Exercise supervision and control over all Bureaus and Offices under the Department;
- (e) Supervise all attached agencies and corporations in accordance with law;
- (f) As deemed appropriate by the Secretary, delegate authority for the performance of any power or function, as defined herein or as delegated by the President, to officers and employees under his direction; and
- (g) Perform such other duties and responsibilities as may be provided by law.

SEC. 11. *Office of the Secretary.* The Office of the Secretary shall be composed of the Secretary and his immediate staff.

SEC. 12. *Undersecretaries.* The Secretary shall be assisted by not more than five (5) Undersecretaries, who shall be appointed by the President upon the recommendation of the Secretary, as follows:

- 1) One for the Finance Service;
- 2) One for the Administrative Service;
- 3) One for the Planning and Engineering Services;
- 4) One for the Regulatory and Financial Assistance Services; and
- 5) One for the Operations.

Within her/his functional area of responsibility, an Undersecretary shall have the following functions:

- (a) Advise and assist the Secretary in the formulation and implementation of Department policies, plans, programs, and projects;
- (b) Supervise all the operational activities of the units assigned to her/him, for which she/he is responsible to the Secretary; and
- (c) Perform such other duties and responsibilities as may be assigned or delegated by the Secretary to promote efficiency and effectiveness in the delivery of public services or as may be required by law.

SEC. 13. *Assistant Secretaries.* The Secretary shall also be assisted by one Assistant Secretary for Internal Audit and the five (5) Undersecretaries shall each be assisted by not more than three (3) Assistant Secretaries likewise appointed by the President of the Philippines upon the recommendation of the Secretary.

SEC. 14. *Organizational Structure.* The Department shall be composed of the following organization units:

- (a) Department Proper consisting of the Office of the Secretary, the Offices of the Undersecretaries and Assistant Secretaries, the Internal Audit, Finance Service, Administrative Service, Planning and Engineering Services, Regulatory and Financial Assistance Services, and Operations; and
- (b) Regional Offices, as deemed appropriate and necessary by the Secretary, taking into consideration the existing water resources regions, river basins, and catchment basins of the country.

SEC. 15. *Internal Audit.* The Internal Audit is hereby created for the purpose of conducting comprehensive audit of various Department activities and shall have the following specific functions:

- (a) Advise the Secretary on all matters relating to management control and operations audit;
- (b) Conduct management and operations performance audit of Department activities and units and determine as to compliance with established objectives, policies,

- 1 methods and procedures, government regulations, and contractual obligations of
2 the Department;
- 3 (c) Review and appraise systems and procedures, organizational structure, assets
4 management practices, accounting, and other records, reports, and performance
5 standards of the Department of Proper and Regional Offices;
- 6 (d) Analyze and evaluate management deficiencies and assist top management to solve
7 problems by recommending realistic courses of action; and
- 8 (e) Perform such other related duties and responsibilities as may be assigned or
9 delegated by the Secretary or as may be required by law.

10 **SEC. 16. Finance Service.** The Finance Services is hereby created to provide the
11 Department with coordinated services relating to financial systems and procedures, budget,
12 cash, accounting, and all financial matters not falling under other Services. For such purposes,
13 it shall have the following functions:

- 14 (a) Advise the Secretary on all matters relating to the accounting of government
15 expenditures and receipts, budgeting and cash management, project finances, and
16 financial systems and procedures;
- 17 (b) Prepare budget proposals and pursue formal budget authorizations, undertake
18 budget execution, and prepare and submit all appropriate reports to the proper
19 offices;
- 20 (c) Develop and maintain accounting, financial, and assets management systems,
21 procedures, and practices in the Department Proper and Regional Offices in
22 accordance with the existing government accounting and auditing rules and
23 regulations;
- 24 (d) Provide assistance in its area of specialization to any unit of the Department and,
25 when requested, to government corporations, councils, and boards attached to the
26 Department; and
- 27 (e) Perform such other related duties and responsibilities as may be assigned or
28 delegated by the Secretary or as may be required by law.

29 **SEC. 17. Administrative Service.** The Administrative Service is hereby created to
30 provide the Department with services relating to human resources development, personnel
31 records, facilities maintenance, medical and dental, gender and development (GAD), security,
32 property, and procurement services. For such purposes, it shall have the following functions:

- 33 (a) Advise the Secretary on all matters relating to internal administration and human
34 resources management;
- 35 (b) Prepare and implement an integrated personnel plan that shall include provisions
36 on merit promotion, performance evaluation, job rotation, suggestions and
37 incentive awards systems, and health and welfare services;
- 38 (c) Provide services related to human resource training, education, and development,
39 including manpower, career planning and forecasting and development of
40 indigenous training materials;
- 41 (d) Prepare and/or Implement Department GAD plans and budgets and GAD
42 accomplishment reports;
- 43 (e) Develop, establish, and maintain an efficient and cost-effective property
44 procurement system and facilities and coordinate or otherwise interface with
45 relevant agencies, whether government or private, for the purpose of developing or
46 upgrading the system;
- 47 (f) Secure and maintain necessary Department facilities, and develop, establish and
48 maintain an efficient and effective security system covering, among others,

- 1 personnel, physical installations, equipment, documents, and materials, including
2 the conduct of security investigations;
- 3 (g) Coordinate with the appropriate government agencies for a more efficient conduct
4 of administrative processes;
- 5 (h) Develop, establish and maintain an efficient record system;
- 6 (i) Provide assistance in its area of specialization to the Department Proper and
7 Regional Offices and, when requested, the government agencies and corporations
8 attached to the Department; and
- 9 (j) Perform such other related duties and responsibilities as may be assigned or
10 delegated by the Secretary or as may be required by law.

11 **SEC. 18. *Planning and Engineering Services.*** The Planning and Engineering Services
12 is hereby created to provide the Department with the capability to undertake infrastructure
13 development planning, programming, and implementation. For this purpose, it shall have the
14 following functions:

- 15 (a) Advise the Secretary on all matters relating to infrastructure planning and
16 implementation;
- 17 (b) Formulate strategies and priorities for infrastructure development consistent with
18 national development objectives and initiate or undertake relevant surveys for
19 development planning;
- 20 (c) Formulate and implement long-range, medium-term and annual development plans
21 and programs for infrastructure, including flood control, water resource
22 development systems, and other public works projects, including phasing of
23 implementation and review and integrate land use plans with such water
24 development plans;
- 25 (d) Identify and implement priority packages for infrastructure development, including
26 flood control, water resource development systems, and other public works
27 projects, and undertake or supervise and evaluate the conduct of feasibility studies
28 and project preparation and implementation thereof;
- 29 (e) Prioritize project implementation and the allocation of funds and other resources
30 and package project proposals for funding and implementation;
- 31 (f) Evaluate and appraise all regional and interregional infrastructure development
32 plans and programs as to their feasibility and consistency with approved strategies
33 and long and medium-term plans;
- 34 (g) Initiate regular Department-wide planning exercises and act as the secretariat
35 thereof;
- 36 (h) Gather, analyze, and organize needed statistical data and information;
- 37 (i) Provide technical assistance related to its functions to the other Services and
38 Regional Offices as needed; and
- 39 (j) Perform such other related duties and responsibilities as may be assigned or
40 delegated by the Secretary or as may be required by law.

41 **SEC. 19. *Regulatory and Financial Assistance Services.*** The Regulatory and Financial
42 Assistance Services is hereby created to provide the Department with services on all legal
43 affairs, compliance of attached government corporations, LWDs, Rural Waterworks and
44 Sanitation Association (RWSAs), cooperatives, and other associations, including private
45 entities under contractual or concession arrangement with them, and other private water service
46 providers on the established standards, rules and regulations relating to: water quality,
47 infrastructure and facilities design and construction, equipment, materials and supplies,
48 operations and maintenance, personnel, organization, accounting, tariffs, and other matters
49 subject to regulation. It shall also provide the Department services on the management of the

1 financial assistance available and granted to LWDs and RWSAs. For this purpose, it shall have
2 the following functions:

- 3 (a) Advise the Secretary on all matters relating to legal affairs and regulation of the
4 operation of the attached corporations, LWDs, RWSAs, cooperatives and other
5 associations;
- 6 (b) Provide legal assistance to the Department proper and Regional Offices and, when
7 requested, the attached corporations and boards;
- 8 (c) Prepare Department contracts and legal instruments, review of administrative
9 charges against officers and employees of the Department, members of the top
10 management of the attached corporations and boards;
- 11 (d) Conduct administrative investigation as well as the review of administrative
12 charges against officers and employees of the Department, members of the top
13 management of the attached corporations and boards;
- 14 (e) Exercise functional jurisdiction over the legal staffs of Regional Offices;
- 15 (f) Establish standards for: water quality, design and construction of facilities,
16 optimum selection of equipment, materials and supplies, procedures for operations
17 and maintenance of water and sewer equipment and facilities training of personnel,
18 organization, uniform accounting system, and tariffs;
- 19 (g) Review all water rates or charges;
- 20 (h) Manage the financial assistance available and granted to LWDs, RWSAs, and other
21 qualified water utilities;
- 22 (i) Maintain a databank for water quantity and quality of all water resources, including
23 ground water and or surface water resources being used by water utilities, power
24 utilities, sewage facilities, sanitation facilities, and irrigation cooperatives and
25 organizations and a databank for relevant information of all these organizations as
26 well.

27 **SEC. 20. Operations.** The Operations is hereby created to provide the Department
28 through Regional Offices with the capability to plan, design, and implement projects for water
29 resource development systems, irrigation, flood control, and other public works in different
30 regions of the country. For this purpose, it shall have the following functions:

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

SEC. 21. *Regional Director.* Each Regional Office shall be headed by a Regional Director who shall be responsible for efficiently and effectively carrying out the duties and responsibilities of the Regional Office. The Regional Director shall also perform such other related duties and responsibilities as may be assigned or delegated by the Secretary or as may be required by law.

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

CHAPTER III

TRANSITORY PROVISIONS

SEC. 22. *Interface with Other Sector Regulators.* The Department is mandated to coordinate with the different sector regulators as follows:

- (a) The Department of Environment and Natural Resources (DENR) shall continue to have the primary authority and responsibility for protecting the environment and for the conservation of water and related natural resources, including protecting water bodies from waste and pollution and shall promulgate rules, regulations, and standards in this regard. The Department shall coordinate with the DENR with respect to the conservation of water resources, protection from sewage and septage waste, and restoration from environment damage.
- (b) The Department of Health (DOH) shall have primary authority and responsibility for determining and enforcing drinking water quality and sanitation standards. The Department shall coordinate with the DOH to achieve an integrated approach for sanitation, including toilets, collection, treatment, and evaluation of wastewater.
- (c) The Department shall subsume responsibility from the Department of Public Works and Highways (DPWH) for wholly or primarily water related public works projects including flood control, water resources development, sewerage, sanitation, and the harnessing and impounding of water. The Secretaries of each department shall coordinate on the development of evaluation criteria, as necessary, to determine proper allocation of public works projects between the two departments.
- (d) The Department shall absorb the responsibility from the Department of Interior and Local Government (DILG) on the management and operation of water supply systems of local government units.

SEC. 23. *Transfer of Rights and Obligations.* The Department shall, by virtue of this Act, be subrogated to all the rights and assume all the obligations of the relevant parts of any government agency or unit whose powers and duties have been transferred to the Department, including the DPWH, National Irrigation Administration (NIA), National Water Resources Board (NWRB), Metropolitan Waterworks and Sewerage System (MWSS), River Basin Control Office, Manila Bay Coordinating Office, Local Water Utilities Administration (LWUA), Metro Manila Development Authority (MMDA), DENR, DILG, Laguna Lake Development Authority (LLDA), Pasig River Rehabilitation Commission, the Water Resources Regional Offices, and all other offices whose powers are transferred by this Act.

The transfer of powers and functions in Sec. 18 above, as applicable, and agencies attached thereto, as herein provided for, shall take effect within one hundred eighty (180) days

1 after the effectivity of this Act. The foregoing transfer of powers and functions shall include
2 all applicable funds, personnel, records, property, and equipment, as may be necessary. All
3 offices shall continue to function under their present mandates until transition is effected as
4 provided for under this Act.

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

8 **SEC. 24. Separation from Service.** Employees separated from government service, as
9 a result of this Act, shall be entitled to the benefits that they may receive under existing laws,
10 rules, and regulations.

11 **SEC. 25. Appropriation.** The sum of Two billion pesos (Php 2,000,000,000) shall be
12 set aside from any available funds of the National Treasury and is hereby appropriated and
13 authorized to be released, for the organization of the Department and its initial operations.

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

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

19 **SEC. 26. Implementing Rules and Regulations.** Within one hundred eighty (180) days
20 after its organization as provided under Sec. 4 of this Act, the Department, in consultation with
21 the concerned government agencies, shall promulgate the necessary rules and regulations for
22 the implementation of this Act. The implementing rules and regulations shall only take effect
23 15 days following its publication in the Official Gazette or at least one (1) newspaper of general
24 circulation.

25 **SEC. 27. Separability Clause.** If any provision of this Act, or parts thereof, is declared
26 unconstitutional, the same shall not affect the validity and effectivity of the other portions.

27 **SEC. 28. Repealing Clause.** All laws, executive orders, presidential decrees, and
28 implementing rules and regulations inconsistent with this Act are hereby repealed or modified
29 accordingly.

30 **SEC. 29. Effectivity.** This Act shall take effect fifteen (15) days after its publication in
31 the Official Gazette or in two (2) newspapers of general circulation.

Approved,