

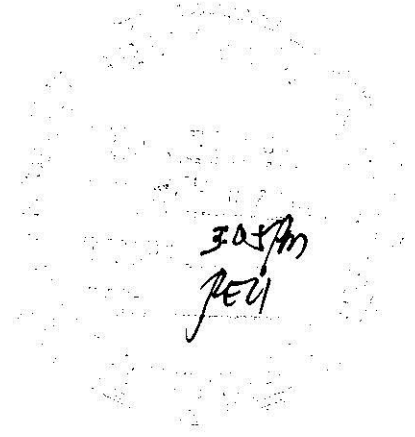


Republic of the Philippines
House of Representatives

Quezon City, Metro Manila

Nineteenth Congress
First Regular Session

HOUSE BILL NO. 4536



Introduced by Representative Jefferson F. Khonghun

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

EXPLANATORY NOTE

This legislation seeks the creation of the Department of Water Resources as the primary government agency for the management of water utilities in the country.

When President Ferdinand R. Marcos, Jr. addressed this Congress during his first State of the Nation Address, he stressed on the importance of coordination and cooperation between government agencies and private entities and stakeholders. Further, he instructed that the organizational structure of the government must be inquired at in order to guarantee its full efficiency.

Today, it appears however that several government agencies still perform similar functions and responsibilities, resulting to the unnecessary overlapping of jobs.

Looking into several agencies, units and entities that handle the management of water utilities, the country has the Local Water Utilities Administration, the National Irrigation Administration, the National Water Resources Board, the Laguna Lake Development Authority, as well as the DENR, the DPWH, the DOH, the DOST, and the DOE, to name a few.

The obvious overlapping and duplication of functions on the management of water utilities create a cloud of confusion as to which department handles the multitude of concerns thereto. In effect, the needed government action could not be expedited since we have to point our fingers first.

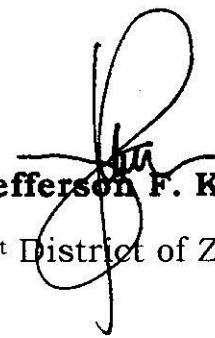
In 2019, representatives filed 35 separate bills that would create a “Department of Water Resources” (DWR), resulting in a consolidated bill, the House Bill (HB) No. 4944, authored by Albay Rep. Jose Maria Clemente “Joey” Salceda and was approved by the House committees on government reorganization and public works and highways in November 2019.

House Bill No. 4944 aspired to make the DWR as the primary government agency to handle the management of water utilities. This representation shares the same vision for a Department that will oversee and streamline the management of water resources and utilities in the country. In this proposed legislation, the Department will serve as the unified agency that will absorb all the functions and duties related to the management of water resources which are currently scattered from among several government agencies and entities.

With this bill, significant improvements could be expected in managing this important water sector, such as the reduction of costs for both the government and regulated entities, the avoidance of

duplication of functions, and the reconciliation of differences in agencies exercising related responsibilities. This Department aims to create regulatory synergy rather than dysfunction - and this shall serve as one of our responses to the call of the President for coordination and cooperation between government agencies.

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



Hon. Jefferson F. Khonghun

1st District of Zambales

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

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

CHAPTER I

GENERAL PROVISIONS

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

SECTION. 2. *Declaration of Policy.* – It is hereby declared the policy of the State:

(a) To ensure that our country’s water supply is safe, affordable, sufficient,
and sustainable;

(b) To guarantee the protection and preservation of the country’s water
resources;

(c) To unify the administration and management of water utilities in the
country;

(d) To prevent the duplication of functions in the government through the
creation of a single agency;

(e) To oversee the participation of responsible private sectors regarding our
water resources.

SECTION. 3. *Definition of Terms.* – As used in this Act, the following terms are
defined as follows:

- 1 a. *Bulk water suppliers* shall refer to any entity, natural or juridical,
2 whether public or private, supplying or intending to supply large
3 quantities of raw or treated water to buyers who will use it for own
4 consumption.
- 5
- 6 b. *Department* refers to the Department of Water Resources.
- 7
- 8 c. *Drought Risk* is the likelihood of incurring damages and losses brought
9 about by the effects of drought.
- 10
- 11 d. *Integrated Water Resources Management (IWRM)*, as the Global Water
12 Partnership¹ defined, is the process of promoting the coordinated
13 development and management of water, land, and related resources, to
14 maximize the resultant economic and social welfare in an equitable
15 manner without compromising the sustainability of vital ecosystems.
- 16
- 17 e. *Flood Control* refers to methods which are used to prevent or minimize
18 the effects of flood water in a certain area.
- 19
- 20 f. *Flood Risk* means the probability of the occurrence of flood due to the
21 combination of the sources thereof.
- 22
- 23 g. *Hydropower* is the mechanism which uses running or falling water to
24 power machines or to produce electricity.
- 25
- 26 h. *River Basin* and *watersheds* refer to areas of land which drain to a
27 particular body of water. Watersheds are classified as small versions of
28 basins.

¹The Global Water Partnership (GWP) is an international network created to foster an integrated approach to water resources management (IWRM) and provide practical advice for sustainably managing water resources.

- 1 i. *Stormwater /urban drainage* is a system designed to collect and
2 transport water in places where such system is installed, for purposes
3 of managing the water volume and avoiding flooding in the said areas.
4
- 5 j. *Wastewater* refers to used water, including those which come from
6 food, oils, chemicals, and human waste.
7
- 8 k. *Water District* shall refer to government-owned and controlled
9 corporations organized under Presidential Decree No. 198, as amended,
10 created primarily to acquire, install, operate, maintain and improve
11 water supply and distribution systems for domestic, industrial, and
12 municipal uses of residents and to provide, maintain and operate
13 wastewater collection, treatment and disposal facilities within the
14 boundaries of the district.
15
- 16 l. *Water pollution* means any alteration of the physical, chemical or
17 biological or radiological properties of a water body resulting in the
18 impairment of its purity or quality.
19
- 20 m. *Water Resources* refers to all bodies of water including rainwater, within
21 the territorial jurisdiction of the Philippines.
22
- 23 n. *Water Resources Regional Offices* refers to the field office of the
24 Department which are to be established in accordance with the
25 identified water resources regions in the country.
26
- 27 o. *Water Service Providers* refer to the water districts, any water utility run
28 by an LGU, cooperatives and private sector who provides water supply
29 services to any given area.
30

1 **CHAPTER II**

2 **THE DEPARTMENT OF WATER RESOURCES**

3 **SECTION 4.** *Creation of the Department of Water Resources.* - There is hereby
4 created and established the Department of Water Resources, hereinafter referred
5 to as the "Department". The Department shall have an organizational structure,
6 powers, functions, and duties mandated by the immediately preceding sections.

7 **SECTION 5.** *Mandate.* - The Department shall be the primary policymaking,
8 planning, coordinating, implementing, and administrative agency of the
9 Executive Branch of the government that will oversee and streamline the
10 management of water resources and utilities in the country. The Department will
11 serve as the unified agency and shall absorb all the functions and duties related
12 to the management of water resources presently distributed to several
13 government agencies and instrumentalities.

14 The Department shall adopt the Integrated Water Resource Management (IWRM),
15 which is a process promoting the coordinated development and management of
16 water, land and related resources, as the strategic framework for national water
17 management, policymaking and planning.

18 **SECTION 6.** *Powers and Duties of the Department.* - The powers and duties of
19 the Department are as follows:

20 **I. Policymaking and Planning**

- 21
- 22 (a) Guarantee that the IWRM is adopted as the strategic framework for
23 the water management policymaking and planning in the country;
- 24 (b) Formulate policies and strategies for the seamless transfer of
25 offices, powers, and functions to the Department;
- 26 (c) Develop and regularly update, in consultation with other agencies
27 and stakeholders, the provisions set forth in this Act;

- (d) Create orders, resolutions, rules and regulations to be adopted by public and private water utilities;
- (e) Conduct continuing study and research for the country's renewable water supply;
- (f) Create better plans and policies for flood management with the aid of today's technology, integrated with stormwater/urban drainage and appropriate retention of basins in order to prevent, and minimize detrimental and catastrophic effects of flooding;
- (g) Develop and implement, in coordination with other relevant agencies, effective codes, standards, benchmarks, and reasonable guidelines to ensure the safety of all public and private water structures in the country, and assure efficiency and proper quality in the construction of water, sanitation, irrigation, hydropower, flood control and drainage infrastructure;
- (h) Ensure that the planning and design of water infrastructure considers the highest efficiency and most appropriate quality;
- (i) Review existing guidelines appropriate for Private Sector Participation in the water sector and provide needed recommendations to the Public-Private Partnership Center, NEDA, and other concerned agencies to promote and enable more PPPs in the sector, under the supervision of the Department;
- (j) Effect the exchange and compel the submission of data from the different departments, agencies and instrumentalities under the umbrella of the Department, for water resources development planning;
- (k) Ensure the effective implementation of Republic Act No. 9275, otherwise known as the *Philippine Clean Water Act of 2004*, the Department being the lead agency thereof;
- (l) Issue and promulgate rules, regulations and guidelines as may be necessary for the implementation and enforcement of the Department's powers and functions, as provided under this Act.

II. Resource Regulation

- (a) Protect and preserve the country's water resources to ensure optimal use thereof for domestic water supply, sanitation, irrigation, hydropower, navigation, flood control, and recreation, including the enhancement and maintenance of water quality, conservation of watershed, control of water pollution and environmental restoration, without compromising the natural ecosystem functions and services;
- (b) Regulate the utilization and development of water resources, and determine priority uses of water in times of crisis and national emergencies;
- (c) Ensure the implementation of Presidential Decree 1067 otherwise known as the *Water Code of the Philippines*;
- (d) Determine and grant water rights, thereby amending laws relating to the appropriation and utilization of surface and groundwater;
- (e) Formulate, promulgate and enforce rules and regulations for the development and use of water resources and its administration and management;
- (f) Review and revisit rules and regulations already existing and implemented, including the review of regulations prescribed by any government agency pertaining to water use, exploitation, development, conservation and protection of waters, water resources, and watershed or basin areas;
- (g) Impose fees or charges, as may be necessary, for water resources conservation and protection, and authorize LGUs to impose fees and charges in their respective jurisdictions;
- (h) Initiate and promote public awareness and public participation in water resources management.

III. Administration and Management

- 1 (a) Develop guidelines including rules of partnership among the
2 Department, field offices of national government agencies, local
3 government units (LGUs) and other stakeholders;
4 (b) Authorize representatives or any deputized agent to enter any
5 property of public dominion or any private land, building or
6 enclave, whether inhabited or not, for the purpose of conducting
7 investigation, including the assessment and evaluation of the
8 conditions of water facilities installed, to determine its compliance
9 with water laws and standards;
10 (c) Provide technical assistance to water users including, but not
11 limited to, farmers, communities, LGUs and other water service
12 providers, whether directly or in coordination with other agencies
13 on all aspects of integrated water resource management;
14 (d) Respond to consumer complaints and ensure the adequate
15 promotion of consumer interests;
16 (e) Deputize agents, whether from the public or private sector, to assist
17 in the performance of any of the powers and functions of the
18 Department;
19 (f) Appoint, hire, and maintain adequate staff and personnel, advisers
20 and/or consultants with qualifications and experience deemed
21 necessary.

22 23 **IV. Coordination**

- 24 (a) Coordinate and integrate water resources development activities of
25 the country within the context of national plans and policies for
26 social and economic development;
27 (b) Coordinate with other government agencies, academes, and private
28 professional groups all aspects of data gathering, special studies
29 and researches on all fields of water resources management and
30 development;

- 1 (c) Coordinate with the concerned and relevant agencies engaged in
2 flood control, flood risk management, and drought risk
3 management;
4 (d) Coordinate with LGUs to ensure the integration of water resources
5 development plans into their respective plans and policies
6 regarding water management and utilization.
7 (e) Exercise other powers and functions necessary or incidental to the
8 effective administration and management of the water resources of
9 the Philippines; and
10 (f) Carry out such other functions as the President may assign to the
11 Department consistent with the objectives and provisions of this
12 Act.

13 **SECTION 7.** *Absorbed Offices and Personnel by the Department.* – The following
14 offices, together with their powers, functions, personnel, applicable funds and
15 appropriations, records, equipment and property, shall be transferred to the
16 Department:

- 17 (a) The National Water Resources Board, whose mandate, powers and
18 functions are provided in Presidential Decree No. 424, as amended;
19 (b) The River Basin Control Office of the Department of Environment and
20 Natural Resources (DENR), whose mandate, powers, and functions are
21 provided in Executive Order No. 510 and E.O. No. 816, as amended;
22 (c) The Manila Bay Coordinating Office of the DENR, which was reinforced
23 by DENR Administrative Order 2011-01;
24 (d) The Water Resources Management Division of the Bureau of Soils and
25 Water Management of the Department of Agriculture;
26 (e) The Water Supply and Sanitation Unit of the Department of Interior
27 and Local Government;
28 (f) The Water Quality Management Section of the Environmental
29 Management Bureau of the DENR; and

(g) All other agencies exercising water resources management, conservation and protection functions which the President may order to be transferred to the Department.

SECTION 8. *Functions transferred to the Department.* – The following functions from their respective agencies, bureaus, units shall be transferred to the Department:

- (1) The hydrological surveys and groundwater mapping function of the Mines and Geosciences Bureau (MGB) of the DENR;
- (2) The hydrological surveys monitoring of stream flow and water data collection function of the Bureau of Design and Bureau of Research and Standards of the Department of Public Works and Highways (DPWH);
- (3) The protection and conservation of natural wetlands such as lakes, marshes, swamps of the Biodiversity Management Bureau of the DENR;
- (4) The planning, programming, administration, monitoring, management of the National Sewerage and Septage Management Program by the DPWH;
- (5) The flood management planning and sediment management function of the Flood Control Management Cluster of the DPWH;
- (6) The Water Resource Management Division and the water research functions of the Soils and Water Research Division of the Bureau of Soils and Water Management under the Department of Agriculture.

SECTION 8. *Offices under the Direct Supervision of the Department.* - The following agencies shall now be under the direct supervision of the Department:

- (1) The Local Water Utilities Administration (LWUA), whose mandate, powers, and functions are defined in Presidential Decree No. 198, otherwise known as the *Public Water Utilities of 1973*, as amended;
- (2) The Metropolitan Waterworks and Sewerage System (MWSS), whose mandate, powers, and functions are provided under Republic Act No. 6234, as amended;

(3) The National Irrigation Administration (NIA) whose mandate, powers, and functions are defined under Republic Act No. 3601, as amended by Presidential Decree No. 552, and P.D. No. 1702;

(4) The Laguna Lake Development Authority (LLDA), whose mandate, powers, and functions are defined under Republic Act No. 4850, as amended;

(5) The Pasig River Rehabilitation Commission created under Executive Order No. 54, Series of 1999, and abolished under Executive Order No. 93, Series of 2019, specifically those powers and functions that were transferred to the Manila Bay Task Force and DENR through the latter E.O., *i.e.*, the implementation of the Pasig River Rehabilitation on the river's potential for transportation, recreation, and tourism purposes.

SECTION 10. *Interdepartmental Relations.* - The Department stands as the primary agency for the management of water utilities. As such, the functions of the following offices should be in consultation with the Department, consistent with the mandate provided under this Act:

(a) The authority and responsibility of Department of Health (DOH) in setting and enforcing drinking water quality standards.

(b) The authority and responsibility of DENR in protecting the environment and managing the country's watersheds.

(c) The authority and responsibility of the Department of Energy (DOE) and the National Power Corporation (NPC) in setting up and running hydropower plants. The Department shall see to it that any hydropower plant, its plans and developments are consistent with the National Water Development and Management Plan;

(d) The responsibility of the Department of Agriculture and the National Irrigation Administration in ensuring an agricultural development that reduces sources of pollution for surface and groundwater, and agricultural and industrial economic development that employs water efficiency, water recycling/reuse and the appropriate treatment of wastewater;

- (e) The responsibility of the National Disaster Risk Reduction Management Council in ensuring that its plans and designs for flood control, flood risk management and drought risk management are aligned with the objectives and plans of the Department;
- (f) The task of the Climate Change Commission (CCC), PAGASA, and National Mapping and Resource Information Authority for scientific studies, integrated surveys, mapping, and charting;
- (g) The task of the Philippine Council for Agriculture, Aquatic, and Natural Resources Research and Development (PCAARRD), a sectoral council of the DENR, in conducting research and development programs for the prevention and abatement of water pollution;
- (h) The responsibility of the Department of Tourism on the recreational use of water resources;
- (i) The responsibility of the Philippine Reclamation Authority and economic zone authorities on water resources development and water requirements within reclamation areas and economic zones;
- (j) The responsibility of the Philippine Coast Guard (PCG) which is under the Department of Transportation and Communications in preventing ocean dumping of water pollutants.
- (k) The function of relevant government agencies, including LGUs for the development projects and collaboration between and among all water subsectors.

SECTION 11. *Transition Period.* – The transfer of functions, assets, funds, equipment, properties, transactions, and personnel of the affected agencies, and the formulation of the internal organic structure, staffing pattern, operating system, and revised budget of the Department, shall be completed within six (6) months from the effectivity of this Act, during which time, the existing personnel shall continue to assume their posts in holdover capacities until new appointments are issued: *Provided*, transfer of the agencies specified in this Act, the Department, in coordination with the DBM, shall determine the positions

1 and the funding requirements of which shall not exceed the equivalent cost of
2 positions prior to the said transfer.

3 **SECTION 12. *Separation and Retirement from Service.*** - Employees who are
4 separated from service within six (6) months from the effectivity of this Act as a
5 result of the consolidation and/or reorganization under the provisions of this Act
6 shall receive separation benefits to which they may be entitled under laws
7 governing the same: *Provided*, That those who are qualified to retire under
8 existing retirement laws shall be allowed to retire and receive retirement benefits
9 to which they may be entitled under applicable laws and issuances.

10 **SECTION 13. *Composition.*** - The Department shall be headed by the Secretary.
11 The Department proper shall be composed of the Office of the Secretary, the
12 Offices of the Undersecretaries and the Assistant secretaries.

13 **SECTION 14. *Secretary of Water Resources.*** - The Secretary shall be appointed
14 by the President, subject to the confirmation by the Commission on
15 Appointments.

16 The Secretary shall have the following functions:

- 17 (a) Advise the President on the promulgation of executive or administrative
18 orders, rules and regulations, proclamations and other issuances relative
19 to matters under the jurisdiction of the Department;
20 (b) Establish the policies and standards for the operation of the Department
21 pursuant to the President's guidelines;
22 (c) Promulgate rules and regulations necessary to carry out Department
23 objectives, policies, and functions;
24 (d) Exercise supervision and control over all offices, commissions, divisions,
25 and units under this Department and other departments, offices, agencies,
26 and/or entities transferred to or absorbed by this Department;
27 (e) Supervise all attached agencies and corporations in accordance with law;
28 (f) Represent the Department in contracts, awards, and the like;

1 (g) As deemed appropriate by the Secretary, delegate authority for the
2 performance of any power or function, as defined herein to officials and
3 employees under his discretion; and

4 (h) Perform such other duties and responsibilities as may be provided by law.

5 The Office of the Secretary shall be composed of the Secretary and his
6 immediate staff.

7 **SECTION 15. *Undersecretaries.*** – The Secretary shall be assisted by not more
8 than five (5) Undersecretaries, who shall all be appointed by the President, upon
9 the recommendation of the Secretary.

10 **SECTION 16. *Assistant Secretaries.*** – The Secretary shall be with the help of not
11 more than seven (7) Assistant Secretaries appointed by the President, upon the
12 recommendation of the Secretary.

13 **SECTION 17. *Qualifications.*** - No person shall be appointed as Secretary,
14 Undersecretary, or Assistant Secretary of the Department unless he or she is a
15 citizen and a resident of the Philippines, of good moral character, of proven
16 integrity and with at least seven (7) years of competence and expertise in public
17 administration and in the administration of water, sanitation, irrigation, flood
18 control and drainage programs preferably in a public agency.

19 **SECTION 18. *Regional Offices.*** - The Department may establish, operate, and
20 maintain a regional office in the different administrative regions of the country
21 as the need arises. Each regional office shall be headed by a Regional Director,
22 who may be assisted by one (1) Assistant Regional Director. The Regional
23 Director and Assistant Regional Director shall be appointed by the President.
24 The regional offices shall have, within their respective administrative regions, the
25 following functions:

26 (a) Implement laws, policies, plans, programs, projects, rules and
27 regulations of the Department:

1 (b) Provide efficient and effective service to the people:

2 (c) Coordinate with regional offices of other departments, offices, and
3 agencies;

4 (d) Coordinate with the LGUs; and

5 (e) Perform such other functions as may be provided by law or assigned by
6 the Secretary.

7 **SECTION 19. *Structure and Staffing Pattern.*** – Subject to the approval of the
8 Department of Budget and Management, the Department shall determine its
9 organizational structure and create new commissions, divisions, or units as it
10 may deem necessary, and shall appoint officers and employees of the
11 Department in accordance with the civil service law, rules, and regulations.

12 **SECTION 20. *Funding Source.*** – The available funds of the National Treasury
13 shall be set aside and appropriated for the organization of the Department and
14 its initial operations. Afterwards, the Department shall submit to the Office of
15 the President its annual budget in order to fully carry out its powers and
16 functions.

17 **SECTION 21. *Implementing Rules and Regulations.*** – Within ninety (90) days
18 from the effectivity of this Act, the Department, in consultation with the
19 concerned government agencies, shall promulgate rules and regulations for the
20 implementation of this Act.

21 **SECTION 22. *Repealing Clause.*** - All laws, decrees, executive orders,
22 proclamations, rules and regulations, and issuances, or parts thereof which are
23 inconsistent with the provisions of this Act, are hereby repealed, amended or
24 modified accordingly.

25 **SECTION 23. *Separability Clause.*** – Should any part of this Act be declared
26 unconstitutional or invalid, other provisions hereof that are not affected thereby
27 shall continue to be in full force and effect.

1 **SECTION 24. Effectivity.** - This Act shall take effect fifteen (15) days following
2 the completion of its publication in the *Official Gazette* or in newspaper of general
3 circulation.

4
5 Approved,