

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. **330**



Introduced by: **REP. RACHEL MARGUERITE "CUTIE" DEL MAR**

EXPLANATORY NOTE

There has been a raging controversy in the province and cities of Cebu, particularly in localities served by the Metropolitan Cebu Water District (MCWD), over the persons and entities to blame for the undisputed failure of the water district to supply adequate water to its consumers;

Many consumers have laid a large part of the blame for MCWD's dismal performance on their governor and respective city or town mayor and congressman for allegedly neglecting to prod and push the water district to do its job;

Elected local government officials have mostly left MCWD alone, after having been repeatedly warned by the Department of Interior and Local Government (DILG) to keep off water district operations, an order officially recorded and circulated in these memorandum-circulars in a span of 31 years;

[] **Memorandum-Circular #88-15 of March 1, 1998, by Secretary Luis T. Santos;**

[] **M-C #97-78 of April 14, 1997, by Secretary Robert Barbers;**

[] **M-C #2005-21 of March 4, 2005, by Secretary Angelo T. Reyes;**
and

[] **M-C #2019-03 of January 15, 2019, by Secretary Eduardo Año.**

The said circulars uniformly reminded elected local government officials and DILG regional directors that (1) Presidential Decree #198 or Provincial Water Utilities Act of 198, series of 1973 (Section 6, Chapter II on Purpose and Formation, Title II) provides that the water district, once formed, is not under the jurisdiction of any political subdivision, and (2) the water districts should "best be allowed to operate with the least hindrance and interference from local officials."

The last of the serial memorandum-circulars from DILG (M-C #2019-03) issued in January last year was most blunt and direct: The local officials were directed "not to poke their noses into operations of water district."

Local officials have a compelling duty to address basic needs of their constituents, water being one of the most essential, and the current public uproar in Cebu over the inadequate service is a strong reminder of that duty;

Local officials have a larger stake in the issue of water supply and sharper capacity because of proximity to assess the problem than the central agency Local Water Utilities Administration (LWUA), which is mandated by law to administer and oversee water districts;

Obviously LWUA has failed in that, as amply demonstrated in the Cebu controversy in which the loud outcry by elected local officials led to the recent eviction of the five MCWD directors and resignation of its general manager amid the continuing shortage of water in its area of service.

The autonomy of MCWD and the other water districts in the country, which PD #198 provides, shall not be interpreted, as DILG has done, to rule out oversight by LGUs in helping assure adequate supply of water to their constituents.

Friction or lack of coordination and harmony between the water district and LWUA, on one hand, and the LGUs on the other will persist if the law is not clarified or explicitly corrected.

There is therefore the need to amend Presidential Decree #198, series of 1973, as earlier amended, to allow and encourage the oversight by local governments on the performance of water districts.

The attached bill was originally filed by my father, the late Raul V. Del Mar during the 18th Congress, hence, refiling of this bill with earnest hope that approval of the same be given priority.


RACHEL MARGUERITE "CUTIE" DEL MAR

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AN ACT
AMENDING SECTION 6, CHAPTER II, TITLE II OF PRESIDENTIAL
DECREE #198, AS AMENDED

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

SECTION 1. The pertinent portion of Section 6, Chapter II, Title II of Presidential Decree 198, series of 1973, shall be amended to read as follows:

"Section 6. Formation of district. This Act is the source of authorization and power to form and maintain a district. **ONCE FORMED, A DISTRICT IS SUBJECT TO THE PROVISIONS OF THIS ACT AND THE LOCAL GOVERNMENTS WHOSE CONSTITUENTS ARE SERVED BY IT SHALL NOT INTERFERE WITH ITS OPERATIONS BUT SHALL HAVE THE RIGHT AND DUTY OF OVERSIGHT, SPECIFICALLY WHEN SERVICE TO THEIR CONSTITUENTS ARE IMPAIRED. THE MANAGEMENT OF THE DISTRICT, THROUGH ITS BOARD OF DIRECTORS AND GENERAL MANAGER, AND THE LOCAL WATER UTILITIES ADMINISTRATION (LWUA) SHALL GIVE PROMPT RESPONSE TO ANY REQUEST FOR INFORMATION OR ACTION ON A COMPLAINT OR RECOMMENDATION AIMED TO IMPROVE**

ITS SERVICE. [For purposes of this Act, a district shall be considered as a quasi-public corporation performing public service and supplying public wants. As such, a district shall exercise the powers, rights and privileges given to private corporations under existing laws, in addition to the powers granted in, and subject to such restrictions imposed, under this Act.]”

“To form a district, the legislative body of any city, municipality of province shall enact legislation containing the following:

“x x x x x x x x x x x x”

SECTION 2. *Separability Clause.* – If any section or provision of this Act is declared unconstitutional or invalid, the other sections or provisions not affected thereby shall continue to be in force and effect.

SECTION 3. *Repealing Clause.* – All acts, decrees, executive orders, rules and regulations, part or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SECTION 4. *Effectivity Clause.* – This Act shall take effect upon its approval.

Approved,