



Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

TWENTIETH CONGRESS
FIRST REGULAR SESSION



House Bill No. **1233**

Introduced by **Honorable Jefferson F. Khonghun**

**AN ACT CREATING THE DEPARTMENT OF WATER RESOURCES
DEFINING ITS POWER 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.

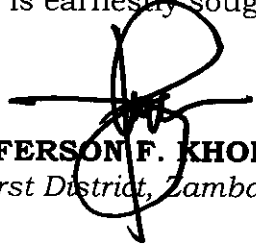
The obvious overlapping and duplication of functions on the management of water utilities create a cloud of confusion as to which department handles the multitude of concerns thereto. In effect, the needed government action could not be expedited since we have to point our finger first.

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, authorized by Albay Rep. Jose Maria Clemente "Joey" Salceda and was approved by the House of 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 handle management of water utilities. This representation shares the same vision for a Department that will averse 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 function 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.



JEFFERSON F. KHONGHUN
First District, Zambales



Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

TWENTIETH CONGRESS
FIRST REGULAR SESSION

House Bill No. 1233

Introduced by **Honorable Jefferson F. Khonghun**

**AN ACT CREATING THE DEPARTMENT OF WATER RESOURCES
DEFINING ITS POWER 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 1

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 use in this Act, the following terms are defined as follows:

- a. *Bulk water suppliers* shall refer to any entity, natural or juridical, whether public or private, supplying or intending to supply large quantities of raw treated water to buyers who will use it for own consumption.
- b. *Department* refers to the Department of Water Resources.
- c. *Drought Risk* is the likelihood of incurring damages and losses brought about by the effects of drought.
- d. *Integrated Water resource Management (IWRM)*, as the Global Water Partnership defined, is the process of promoting the coordinated development and management of water, land, and related resources, to maximize the resultant economic and social welfare in an equitable manner without compromising the sustainability of vital ecosystems.
- e. *Flood Control* refers to methods which are used to prevent or minimize the effect of flood water in certain area.
- f. *Flood Risk* means the probability of the occurrence of flood due to the combination of the source thereof.
- g. *Hydropower* is the mechanism which uses running or falling water to power machines or to produce electricity.
- h. *River Basin and watersheds* refers to areas land which drain to a particular body water. Watersheds are classified as small versions of basins.

CHAPTER II

THE DEPARTMENT OF WATER RESOURCES

SECTION 4. *Creation of the Department of Water Resources.* – There is hereby created and established the Department of Water Resources, herein after referred to as the “Department”. The Department shall have an organizational structure, power, functions, and duties mandated by the immediately preceding sections.

SECTION 5. *Mandate.* – the department shall be the primary policy making, planning, coordinating, implementing, and administrative agency of the Executive Branch of the government that will oversee and streamline the management of water resources and utilities in the country. The Department will serve as the unified agency and shall absorb all the functions and duties related to the management of water resources presently distributed to several government agencies and instrumentalities. The Department shall adopt the Integrated Water Resource management (IWRM), which is a process promoting the coordinated development and management of water, land and related resources, as the strategic framework for national water management, policymaking and planning.

SECTION 6. *Power and Duties of the Department.* – The powers and duties of the Department are as follows;

I. Policymaking and Planning

- (a) Guarantee that the IWRM is adopted as the strategic framework for the water management policymaking and planning in the country;
- (b) Formulate policies, and strategies for the seamless transfer of offices, powers, and functions to the Department;
- (c) Develop and regularly update, in consultation with other agencies and make 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 effect 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 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 power and functions, as provided under this Act.

II. Resource Regulation

- (a) Protect and preserve the country's water resources to ensure optional 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 function 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 water rights, thereby amending laws relating to the appropriation and utilization of surface and ground water;
 - (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 water resources management.

III. Administration and Management

- (a) Develop guidelines including rule of partnership among the Department, field offices and national government] agencies, local government units (LGUs) and other stakeholders;
- (b) Authorized representatives or any deputized agent and other property of public dominion or any private land building or enclave, whether inhabited or not, for the purpose of conducting investigation, including the assessment and evaluation of the conditions of water facilities installed, to determine its compliance with water laws and standards;
- (c) Provide technical assistance to water users including, but not limited to, farmers, communities, LGUs and other water service providers, whether directly or in coordination with other agencies on all aspects of integrated water resource management;
- (d) Respond consumer complaints and ensure the adequate promotion of consumers interests;
- (e) Deputize agents, whether from public or private sector, to assist in the performance of any of the powers and functions of the Department;
- (f) Appoint, hire and maintain adequate staff and personnel, advisers and/or consultants with qualifications and experience deemed necessary.

IV. Coordination

- (a) Coordinate and integrate water resources development activities of the country within the context of national plans and policies for social and economic development;
- (b) Coordinate with other government agencies, academes, and private professional groups all aspects of data gathering, special studies and researches on all fields of water resources management and development;
- (c) Coordinate with the concerned and relevant agencies engaged in flood control, flood risk management, and drought risk management;
- (d) Coordinate with LGUs to ensure the integration of water resources development plans into their respective plans and policies regarding water management and utilization;
- (e) Exercise other power functions necessary or incidental to the effective administration and management of the water resources of the Philippines; and
- (f) Carry out such functions as the President may assign to the Department consistent with the objectives and provisions of this Act.

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

- (a) The National Water Resources Board, whose mandate power and functions are provided in Presidential decree No.424, as amended;
- (b) The River Basin Control Office of the Department of Environment and Natural Resources (DENR), whose mandate, powers, and functions are provided in Executive Order No. 510 and E.O No.816, as amended;
- (c) The Manila Bay Coordinating Office of the DENR, which was reinforced by DENR Administrative Order 2011-01;
- (d) The Water Resource Management Division of the Bureau of Soils and Water Management of the Department of Agriculture;
- (e) The Water Supply and Sanitation Unit of the Department of Interior and Local Government;
- (f) The Water Quality Management Section of the Environmental Management Bureau of the DENR; and
- (g) All other agencies exercising water resources management, conservation and protection functions which the President may order to 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 functions of the Mines and Geosciences Bureau (MGB) of the DENR;
- (2) The hydrological surveys monitoring or stream flow and water data collection function 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 Soil and Water Research Division of the Bureau of Soils and Water Management under the Department of Agriculture.

SECTION 9. *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 n. 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 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 the latter E.O., i.e., the implementation to the Pasig River Rehabilitation on the river's potential 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) is 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 plan 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 resources 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 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 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 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 under the Department of Transportation and Communications in preventing ocean dumping of water pollutants.
- (k) The Function 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 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*, transfers of the agencies specified in this Act, the Department, in coordination with the DBM, shall determine the positions and the funding requirements of shall not exceed the equivalent cost of position prior to the said transfer.

SECTION 12. *Separation and Retirement from Service.* – Employees who are separated from service within six (6) months from the effectivity of this Act as a result of the consolidation and/or reorganization under the provisions this Act

shall receive separation benefits to which they may be entitled under laws governing the same: *Provided*, That those who are qualified to retire under existing retirement laws shall be allowed to retire and receive retirement benefits to which they may be entitled under applicable laws issuances.

SECTION 13. *Composition.* – The Department shall be headed by the Secretary. The Department proper shall be composed of the Office of the Secretary, the Offices of the Undersecretaries and the assistant secretaries.

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

The Secretary shall have the following functions:

- (a) Advise the President on the promulgation of executive administrative orders, rules and regulations, proclamations and other issuances relative to matters under the jurisdiction of the Department;
- (b) Establish the policies and standards for the operation of the Department pursuant to the President's guidelines;
- (c) Promulgate rules and regulations necessary to carry out Department objectives, policies, and functions;
- (d) Exercise supervision and control over all offices, commissions, divisions, and units under this Department and other departments, offices, agencies, and/or entities transferred to or absorbed by this Department;
- (e) Supervise all attached agencies and corporations in accordance with law;
- (f) Represent the Department in contracts, awards, and the like;
- (g) As deemed appropriate by the Secretary, delegate authority for the performance of any power of function, as defined herein to officials and employees under his discretion; and
- (h) Performs such other duties and responsibilities as may be provided by law.

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

SECTION 15. *Undersecretaries.* – The Secretary shall be assisted by not more than five (5) Assistant Secretaries, who shall all be appointed by the President, upon the Recommendation of the Secretary.

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

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

SECTION 18. *Regional Offices.* – The Department may establish, operate, and

maintain a regional office in the different administrative regions of the country as the need arises. Each regional office shall be headed by Regional Director, who maybe assisted by one (1) Assistant Regional Director. The Regional Director and Assistant Regional Director shall be appointed by the President. The regional offices shall have, within their respective administrative regions. The following functions:

- (a) Implement laws, policies, plans, programs, projects, rules and regulations of the Departments:
- (b) Provide efficient and effective service to the people:
- (c) Coordinate with regional offices of other departments, offices, and agencies;
- (d) Coordinate with the LGUs; and
- (e) Performs such other functions as may be provided by law or assigned by the Secretary.

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

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

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

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

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

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

Approve,