

Republic of the Philippines
House of Representatives
Quezon City, Metro Manila

TWENTIETH CONGRESS
First Regular Session

House Bill No. 3358



INTRODUCED BY REPRESENTATIVE PM VARGAS

AN ACT
ENSURING SAFE DRINKING WATER, AMENDING FOR THE PURPOSE
PRESIDENTIAL DECREE NO. 856, OTHERWISE KNOWN AS THE CODE
ON SANITATION OF THE PHILIPPINES AND FOR OTHER PURPOSES

EXPLANATORY NOTE

The United Nations affirms the fundamental human right to water and sanitation, stating that it is indispensable for leading a life with human dignity and a prerequisite for the realization of all human rights.¹ This recognition calls upon States and international organizations to provide financial resources, help capacity-building, and technology transfer to help developing countries provide safe, clean, accessible, and affordable drinking water and sanitation for all.

The Philippines, despite being surrounded by natural bodies of water, remains in need of safe and accessible water supplies. According to the World Health Organization, one out of 10 Filipinos still has no access to improved water resources² and often have to rely on unimproved, unsafe, and unsustainable water sources.

¹ United Nations Committee on Economic, Social and Cultural Rights. November 2002. General Comment No. 15. The right to water. https://www.un.org/waterforlifedecade/human_right_to_water.shtml (Accessed 26 October 2022)

² World Health Organization (2019) Water shortage in the Philippines threatens sustainable development and health. <https://www.who.int/philippines/news/feature-stories/detail/water-shortage-in-the-philippines-threatens-sustainable-development-and-health> (Accessed 26 October 2022)

In order to have access to safe drinking water, some Filipinos depend on water refilling stations. According to the Pediatric Infectious Disease Society of the Philippines, the water provided by these private businesses may test negative for microorganisms, but containers still may contain bacteria due to unwell kept containers and improper sanitation procedures.

Keeping one's family safe from waterborne diseases such as Amoebiasis, Diarrhea, Cholera, and Typhoid Fever would be very difficult. There are still thousands of Filipinos left behind. Those who are unable to rely on water refilling stations are vulnerable. The lack of safe drinking water has affected many lives in the country. In 2016, acute watery Diarrhoeal disease claimed 139,000 lives, which led this disease to be part of the top 10 leading causes of death in the Philippines. In 2014, there was a cholera outbreak in North Cotabato with 438 persons testing positive for cholera and 46 others testing positive for amoebiasis.³ Other factors, such as climate change and natural disasters, have contributed to the worsening of the issue.

In response to the immediate need to ensure the quality of drinking water, in December 2017, the Department of Health (DOH) presented the Philippine National Standards for Drinking Water (PNSDW) to various stakeholders, embodied in the DOH Administrative Order No. 10 series of 2017. The PNSDW prescribes the standards and procedures on drinking-water quality, aiming to protect the public and consumers' health.

However, as of 2020, nearly 5 million Filipinos still rely on unsafe and unsustainable water sources, 9 million lack access to improved sanitation, and there remains a water and sanitation crisis that needs to be addressed.⁴ Thus, existing laws and policies must be revisited and must strengthen their focus on quality assessment and increasing access to safe water for the health and welfare of all Filipino families.

It is the duty of the State play an active role in ensuring all Filipinos have safe and potable drinking water by implementing a comprehensive management program on water safety planning, including water quality surveillance, adoption of risk management strategies for the protection of water supply systems, and the use of appropriate tools and instruments to properly monitor and enforce quality drinking water standards.

³ Philstar Global (2015) Diseases you can get from unsafe drinking watre. <https://www.philstar.com/lifestyle/health-and-family/2015/09/06/1471788/diseases-you-can-get-unsafe-drinking-water> (Accessed 26 October 2022)

⁴ Water.org. 2020. Philippines' Water and Sanitation Crisis. <https://water.org/our-impact/where-we-work/philippines/> (Accessed 26 October 2022)

This bill seeks to amend the existing provisions of the Sanitation Code of the Philippines on water supply. Among others, it requires the physical, bacteriological, and general systematic chemical and overall examination of water quality every two months. The result of such testing must be submitted to the Department of Health (DOH) for appropriate action and to the consumers so that they will be properly apprised of the quality of the water they are consuming.

This proposed legislation aims to require all water service providers to prepare a water safety plan and submit the same to the DOH for approval. They shall also furnish their customers with an annual consumer confidence report, which must include information regarding their current treatment techniques, monitoring procedures, and level of contaminants in the water system, among others.

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

A handwritten signature in blue ink, appearing to read 'PM VARGAS', is positioned above the printed name.

REP. PM VARGAS

Fifth District, Quezon City

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AN ACT

**ENSURING SAFE DRINKING WATER, AMENDING FOR THE PURPOSE
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*Be it enacted by the Senate and the House of Representatives of the Philippines
in Congress assembled:*

SECTION 1. Short Title. – This Act shall be known as the "*Safe Drinking
Water Act.*"

SECTION 2. Declaration of Policy. – The State shall pursue a policy of ensuring the health of the Filipino people through the provision of safe drinking water. Towards this end, the State shall promote the use of appropriate tools and instruments and control mechanisms and adopt risk management strategies for the protection of the entire water supply system against contamination that will adversely affect human health. The State shall also implement a comprehensive management program on water safety planning, including water quality surveillance that ensures the safety of drinking water in all settings and ensure compliance with national standards for drinking water and other environmental laws affecting drinking water quality.

SECTION 3. Section 11 of Presidential Decree No. 856 is hereby amended to read as follows;

Section 11. Types of Water Examinations Required

The following examinations are required for drinking water:

- a) Initial examination. The physical, chemical and bacteriological examinations of water from newly constructed systems or sources are required before they are operated and opened for public use.

Examination of water for possible radio-active contamination should also be done initially.

- b) Periodic examination. Water from existing sources is subject to **PHYSICAL, CHEMICAL**, bacteriological **AND OVER-ALL QUALITY** examination as often as possible but the interval shall not be longer than ~~[six]~~ **TWO** months, ~~[while general systematic chemical examination shall be conducted every 12 months or oftener. Examination of water sources shall be conducted yearly for possible radioactive contamination,]~~ **UNLESS OTHERWISE REQUIRED BY THE DEPARTMENT THROUGH APPROPRIATE REGULATIONS; PROVIDED, THAT NOTHING HEREIN SHALL RESTRICT THE DEPARTMENT FROM CONDUCTING RANDOM WATER QUALITY EXAMINATION AS OFTEN AS IT MAY DEEM NECESSARY AND PROPER.**

SECTION 4. New Section 11-A and Section 11-B of Presidential Decree No. 856 are hereby inserted to read as follows:

SECTION 11-A. PERMITS REQUIRED

DRINKING WATER SERVICE PROVIDERS, WATER LABORATORIES AND OTHER ESTABLISHMENTS WITH DRINKING WATER SYSTEMS CATERING TO THE PUBLIC SHALL BE REGISTERED WITH THE DEPARTMENT. FOR THIS PURPOSE, THE FOLLOWING PERMITS SHALL BE SECURED FROM THE DEPARTMENT OR LOCAL HEALTH AUTHORITIES, AS THE CASE MAY BE:

- a) **CERTIFICATE OF POTABILITY OF DRINKING WATER TO OBTAINED BY DRINKING WATER SERVICE PROVIDERS;**
- b) **CERTIFICATE OF ACCREDITATION TO BE OBTAINED BY ALL WATER LABORATORIES AND TRAINING INSTITUTIONS THAT SHALL PARTICIPATE IN THE DRINKING WATER SAFETY PROGRAM;**
- c) **CERTIFICATE OF PRODUCT REGISTRATION OF WATER SUPPLY MATERIALS, APPURTENANCES, TREATMENT TECHNOLOGIES OR DEVICES TO BE OBTAINED BY ALL ENTITIES ENGAGED IN THE PROVISION OF DRINKING WATER SUPPLY TO THE PUBLIC,**
- d) **CERTIFICATE OF PROFICIENCY TO BE OBTAINED BY ALL INDIVIDUALS WHO WILL CONDUCT CAPACITY BUILDING ACTIVITIES ON WATER QUALITY ANALYSIS, WATER QUALITY TREATMENT, WATER QUALITY MONITORING AND WATER SAFETY PLANNING FROM THE DEPARTMENT;**
- e) **CERTIFICATE OF WATER SAFETY PLAN ACCEPTANCE;**

- f) **DRINKING WATER SITE CLEARANCE TO BE OBTAINED BY ALL PERSONS OR ENTITIES INTENDING TO DEVELOP A DRINKING WATER SYSTEM FOR PUBLIC CONSUMPTION; PROVIDED, THAT NO DRINKING WATER SYSTEM SHALL BE INSTALLED AND OPERATED WITHOUT SUCH CLEARANCE;**
- g) **OPERATIONAL PERMIT, WHICH MUST BE OBTAINED BEFORE USING A DRINKING WATER SYSTEM;**
- h) **SANITARY CLEARANCE FOR ALL WATER DELIVERY VEHICLES, MOBILE WATER TANKERS AND SIMILAR VEHICLES, INCLUDING ITS APPURTENANCES.**

COVERED ESTABLISHMENTS SHALL ALSO REGISTER PORTABLE WATER TEST KITS AND WATER TREATMENT TECHNOLOGY OR DEVICES WITH THE DEPARTMENT.

SECTION 11-B. WATER SAFETY PLAN

WITHIN ONE (1) YEAR FROM THE EFFECTIVITY OF THIS ACT, ALL DRINKING WATER SERVICE PROVIDERS SHALL DEVELOP WATER SAFETY PLANS FOR THEIR WATER SUPPLY SYSTEMS, AND ENSURE ITS IMPLEMENTATION AFTER ITS APPROVAL. AN APPROVED WATER SAFETY PLAN SHALL BE VALID FOR THREE YEARS, UNLESS SUSPENDED OR SOONER REVOKED BY THE DEPARTMENT.

FOR THIS PURPOSE, THE DEPARTMENT SHALL DEVELOP TOOLS, STANDARDS AND GUIDELINES FOR WATER SAFETY PLAN PROCESSES AND SUPPORT SERVICES.

SECTION 5. Section 12 of Presidential Decree No. 856 is hereby amended to read as follows:

Section 12. Examining Laboratories and Submission of Water Samples

The examination of drinking water shall be performed only in private or government laboratories duly accredited by the Department. **THE DEPARTMENT SHALL PRESCRIBE APPROPRIATE GUIDELINES WITH RESPECT TO THE CONDUCT, MANNER AND MEASURES REQUIRED FOR THE EXAMINATION OF DRINKING WATER QUALITY.**

It is the responsibility of operators of water systems to submit to accredited laboratories water samples for examination in a manner and at such intervals prescribed **UNDER SECTION 11 OF THIS ACT OR** by the Department **THROUGH APPROPRIATE REGULATIONS.**

THE RESULTS OF SUCH MONITORING SHALL BE SUBMITTED TO THE DEPARTMENT FOR APPROPRIATE ACTION, AND TO THE CONSUMERS CONCERNED. THE SAME SHALL ALSO

BE POSTED CONSPICUOUSLY IN THE ESTABLISHMENT.

IN THE EVENT THAT THE ESTABLISHMENT FAILS TO COMPLY WITH AN APPLICABLE MAXIMUM CONTAMINANT LEVEL, OR FAILS TO COMPLY WITH THE TREATMENT TECHNIQUE REQUIRED BY THE DEPARTMENT, OR FAILS TO PERFORM SUCH MONITORING, THE DEPARTMENT SHALL BE AUTHORIZED TO ORDER THE IMMEDIATE SUSPENSION OF THE OPERATIONS OF THE ESTABLISHMENT OR TAKE OTHER STEPS AS MAY BE NECESSARY TO ENSURE THE SAFETY OF DRINKING WATER.

THE DEPARTMENT SHALL PROMPTLY NOTIFY THE PUBLIC OF SUCH OCCURRENCE, AT THE EXPENSE OF THE CONCERNED ESTABLISHMENT. THE NOTICE SHALL CONSIST OF, BUT NOT LIMITED TO, THE FOLLOWING;

- a) NATURE OF THE VIOLATION;**
- b) CONTAMINANT LEVEL OF WATER SUPPLY;**
- c) POTENTIAL HEALTH EFFECTS TO THE POPULATION;**
- d) POPULATION AT RISK;**
- e) STEPS BEING TAKEN TO CORRECT VIOLATION;**
- f) TELEPHONE NUMBER OR CONTACT NUMBER OF THE OWNER, OPERATOR OR DESIGNEE OF THE PUBLIC WATER SYSTEM;**
- g) NECESSITY OF SEEKING ALTERNATIVE WATER SUPPLIES; AND**
- h) PREVENTIVE MEASURES THAT SHALL BE TAKEN BY CONSUMERS UNTIL THE VIOLATION IS CORRECTED.**

SECTION 6. A new Section 12-A is hereby inserted to read as follows;

SECTION 12-A. CONSUMER CONFIDENCE REPORT

A DRINKING WATER SERVICE PROVIDER SHALL FURNISH ITS CUSTOMERS AN ANNUAL REPORT ON THE QUALITY OF THE DRINKING WATER IT PROVIDES AND THE CONTAMINANTS, IF ANY, FOUND THEREIN.

THE ANNUAL REPORT SHALL INCLUDE, BUT NOT BE LIMITED TO, THE FOLLOWING;

- a) INFORMATION ON THE SOURCE OF THE WATER DISTRIBUTED;**

- b) ENUMERATION OF PRIMARY PARAMETERS INDICATED BY THE PHILIPPINE NATIONAL STANDARDS FOR DRINKING WATER (PNSDW);
- c) MAXIMUM CONTAMINANT LEVEL INDICATED BY PNSDW;
- d) CURRENT TREATMENT TECHNIQUES UTILIZED BY THE DRINKING WATER SERVICE PROVIDER;
- e) MONITORING PROCEDURES UTILIZED BY THE DRINKING WATER SERVICE PROVIDER;
- f) LEVEL OF CONTAMINANT IN THE WATER SYSTEM WITHIN THE YEAR;
- g) ANY CONTAMINANT FOR WHICH THERE HAS BEEN A VIOLATION OF THE MAXIMUM CONTAMINANT LEVEL DURING THE YEAR CONCERNED, AND A BRIEF STATEMENT IN PLAIN LANGUAGE REGARDING THE HEALTH CONCERNS THAT RESULTED IN THE REGULATION OF THE CONTAMINANT, AS PROVIDED BY THE DEPARTMENT;
- h) INFORMATION ON THE LEVELS OF UNREGULATED CONTAMINANTS IDENTIFIED BY THE DEPARTMENT;
- i) A STATEMENT THAT THE PRESENCE OF CONTAMINANTS IN THE DRINKING WATER DOES NOT NECESSARILY INDICATE THAT THE DRINKING WATER POSES A HEALTH RISK AND THAT MORE INFORMATION ABOUT CONTAMINANTS AND POTENTIAL HEALTH EFFECTS CAN BE OBTAINED BY CALLING THE DEPARTMENT;
- j) MEASURES THAT MAY BE ADOPTED BY THE CONSUMERS TO KEEP THEIR WATER SUPPLY FREE FROM CONTAMINATION; AND
- k) SUCH OTHER ADDITIONAL INFORMATION AS THE DEPARTMENT DEEMS APPROPRIATE FOR PUBLIC EDUCATION.

THE ANNUAL REPORT SHALL BE PROVIDED TO CONSUMERS EVERY TWELVE (12) MONTHS THROUGH ELECTRONIC MEDIA. HAND DELIVERY, POSTING, OR OTHER METHODS APPROVED BY THE DEPARTMENT.

SECTION 7. Penalties. - A water service provider that fails to comply with the provisions of this Act shall be liable for a fine of Fifty Thousand Pesos (Php50,000.00) for every day of continuing violation, without prejudice to any

other penalties that may be imposed upon it in accordance with other relevant laws, rules and regulation.

SECTION 8. Appropriations. - The amount necessary to effectively carry out the provisions of this Act shall be included in the General Appropriations Act.

SECTION 9. Implementing Rules and Regulations. The Department of Health, in consultation with the concerned stakeholders and relevant government agencies, shall promulgate the implementing rules and regulations for the effective implementation of this Act within ninety (90) days from the effectivity of this Act.

SECTION 10. Repealing Clause. - All laws, decrees, orders, ordinances, rules and regulations or parts thereof inconsistent with this Act are hereby repealed or modified accordingly.

SECTION 11. Separability Clause. - If any provision of this Act is declared unconstitutional or invalid, the remainder of the Act shall not be affected by such declaration.

SECTION 12. Effectivity. - This Act shall take effect fifteen (15) days from the date of its publication in the Official Gazette or in at least two (2) newspapers of general circulation.

Approved,