

**NINETEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)**



22 OCT 18 P 3:47

**SENATE
S. No. 1395**

RECEIVED BY: _____

Introduced by Senator FRANCIS "TOL" N. TOLENTINO

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

EXPLANATORY NOTE


Water is a basic human need and access to safe and clean drinking water is a basic human right as recognized by the United Nations. As a national water crisis looms according to a study by the Japan International Cooperation Agency and the Philippines' National Water Resources Board and all major cities of the Philippines have been foreseen to all suffer from water shortage by 2025, it is only imperative and necessary to take a much needed affirmative action to prevent this catastrophe.

The Philippines, although an archipelagic country blessed with an abundant source of water including rivers, lakes, river basins, and groundwater reservoirs, has already been experiencing severe water shortage ahead of the forecasted 2025 water crisis due to the impact of rapid population growth, urbanization, pollution, excessive and inefficient use of water, and extended period of dry season brought about by climate change. The water shortage is further aggravated by the overlapping functions of water agencies in the country, not to mention the mismanagement on the part of both private and public regulators. The enactment of a feasible long-term solution for the protection of water is necessary to combat the threat of possible water crisis in the future. To ensure adequate availability of water in the future, an efficient and effective management and protection of the country's water sources is a great necessity.

This bill, therefore, seeks to create the Department of Water Resources Management, which shall be the primary agency responsible for the comprehensive and integrated water resources development and management in the Philippines. Guided by the integrated water resources management framework and taking into account climate risks, the Department shall exercise such powers and functions needed to review, revise, harmonize and integrate policies and regulations for conservation of water resources and effective management of potable water supply. In managing water resources, the Department shall aim to improve water conservation, increase system efficiencies, and optimize the use of all freshwater in the country including ground water, surface water, rainwater, run-offs, floods, storm water and urban drainage, and treated wastewater to meet various needs.

Following the lead of other countries who have found it wise to create a special department to manage this vital resource of water including Japan, Australia, China, and India, the availability of potable water in the Philippines and the continuing water supply for domestic, agricultural and industrial consumption may be ensured and the perennial problem that seriously affects the lives of the people in terms of health, sanitation, food security, and livelihood may be effectively addressed.

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



FRANCIS "TOL" N. TOLENTINO



Senate

Office of the Secretary

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

**CHAPTER 1
GENERAL PROVISIONS**

1 **Section 1. Short Title.** – This Act shall be known as the "Department of Water
2 Resources Management Act of 2022."

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

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

- 8 a) To prioritize and pursue the immediate attainment of universal access to
- 9 safe, adequate and sustainable water supply for all Filipinos and adopt all
- 10 necessary measures directed towards the realization of the human right to
- 11 water; and
- 12 b) To strengthen and coordinate water resource planning and policymaking to
- 13 ensure sustainable and fair allocation and efficient use of water resources
- 14 between competing water uses and users, including but not limited to

1 domestic and municipal use, irrigation, sanitation, power generation,
2 farming, fisheries, commercial, and industrial use.

3 **Sec. 3. Definition of Terms.** — For purposes of this Act, the following terms
4 are hereby defined as follows:

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

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

CHAPTER II ORGANIZATION

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

- 35 a) Implementing necessary policy and resource reforms with respect to the
36 management of all water resources including irrigation, sewage, and sanitation;

- 1 b) Monitoring and evaluating compliance with the national goals relating to water,
2 irrigation, sewage, and sanitation;
- 3 c) Formulating a national updated road map to address the water, sewage, and
4 sanitation requirements of the State; and
- 5 d) Improving conservation of water and increasing system efficiencies.

6 **Sec. 5. Powers and Duties of the Department.** — The Department shall
7 have the following powers and duties, among others:

- 8 a) Develop policies to promote universal access to safe, adequate, affordable and
9 sustainable water supply, irrigation, sewage, and sanitation services for all
10 Filipinos;
- 11 b) Coordinate with relevant government agencies or entities to provide policy
12 directions, strategies, and targets to meet the goals and objectives for water
13 supply, irrigation, sewage, and sanitation. Such policies shall, among other
14 things, integrate the issues of water, irrigation, sewer, energy, environment
15 and food security;
- 16 c) Manage and protect the country's water resources to ensure the optimal use
17 thereof for domestic water supply, sewage, sanitation, irrigation, hydropower,
18 navigation, flood control, and recreation including the enhancement and
19 maintenance of water quality, conservation of watersheds control of water
20 pollution, and environmental restoration, without compromising the natural
21 ecosystem functions and services;
- 22 d) Manage the ownership, appropriation, utilization, exploitation, development,
23 conservation and protection of water resources including but not limited to
24 ground water, surface water, rainwater, run-offs, floods, stormwater and urban
25 drainage, and treated wastewater and the rights to land related thereto and
26 their competing demands;
- 27 e) Ensure the protection of all water resources with greater emphasis on sources
28 of drinkable water and coordinate with the Local Government Units (LGUs) for
29 the protection of waters within their jurisdictions especially on pollution
30 prevention and restoration of rivers;
- 31 f) Undertake and coordinate with other agencies and government entities in data
32 gathering, scientific research, and studies on water resources management and
33 development, and conduct nationwide hydrologic surveys to determine the
34 annual renewable water available per water region;
- 35 g) Formulate and enforce rules and regulations in the administration and
36 management of the country's water resources and implement rules and
37 guidelines for the enforcement of water-related laws;
- 38 h) Conduct continuing surveys and studies of the country's renewable water
39 supply with a view towards formulation long-term policies to balance the
40 sustainability and optimal use of water resources, defining the hydrologic
41 boundaries of basins of the existing water supply sources, and creating and

- 1 implementing countrywide master plans for water resources management and
2 development;
- 3 i) Coordinate with and assist other government agencies in all aspects of data
4 gathering, conduct studies and research, and classify and establish water
5 quality standards for surface and ground water, including national standards
6 for drinking water and wastewater effluence in coordination with relevant
7 agencies;
- 8 j) Coordinate with other relevant agencies to engage in flood control and flood
9 risk management. formulate integrated water resources management (IWRM)
10 policies and plans, and coordinate the implementation, promotion, revision and
11 enhancement of IWRM plans;
- 12 k) Effect and compel inter-sectoral, inter-agency, and inter-departmental
13 coordination on water, irrigation, energy, environmental, sewage, and
14 sanitation resources development planning with the aim of operationalizing the
15 integrated approach water resources management;
- 16 l) Regulate and control the utilization, exploitation, abstraction, diversion, and
17 development of water resources, taking into account its equitable distribution,
18 and determine the standards of beneficial and priority uses of water in times of
19 crisis and national emergencies;
- 20 m) Promote water recycling and conservation as well as spearhead the efforts
21 towards the study, research, feasibility, installation and operation of
22 desalination systems;
- 23 n) Assist and provide the National Economic and Development Authority (NEDA)
24 with required data and inputs from and for the water sector in the formulation
25 of the country's short-term and long-term strategic development plans and
26 actions;
- 27 o) Coordinate with other relevant government agencies and develop policies and
28 plans in respect of water resources for farming, including sustainable
29 mechanisms for irrigation;
- 30 p) Coordinate with other relevant government agencies in order to educate the
31 public regarding water conservation, recycling, and other relevant information
32 for the fulfillment of the goals of this Act.
- 33 q) Pass upon, approve, or disapprove all plans, programs, or development projects
34 of private individuals, corporations, and government agencies, whether national
35 or local, that affect water resources, its diversion or abstraction. and the
36 construction of hydraulic facilities. including but not limited to plans and
37 projects in watershed or basin areas of water supply sources, which have direct
38 or indirect impact on the affected locality's water resources;
- 39 r) Review from time to time regulations prescribed by any government agency
40 pertaining to water use, exploitation, development, conservation, or protection
41 of waters, water resources, and watershed or basin areas;

- 1 s) Authorize its representatives or any deputized agent to enter any property of
2 public dominion or any private land, building, or enclave, whether inhabited or
3 not for the purpose of conducting hydrologic surveys and investigations,
4 including assessing and evaluating the conditions of water facilities installed
5 and determining compliance with water laws and standards;
- 6 t) Require LGUs and national agencies to submit zoning and land use
7 management plans to ensure the integration of water resource management
8 plans; Provided, that no zoning and land use plan shall become effective and
9 enforceable unless and until a certification of integration of water, sewage, and
10 sanitation resource management plan has been issued by the Department.
11 Should the Department have serious concerns affecting conservation and
12 sustainability of water supply, such concerns must first be resolved by the
13 Department and the concerned LGU and/or national agency. However, in the
14 absence of such concerns, the concerned LGU and/or government agency may,
15 ninety (90) days from the submission of its zoning and land use plan and after
16 submitting to the Department a written notice of compliance with this provision,
17 proceed with the implementation of its zoning and land use plan without
18 prejudice to later integration of the water resource management plan for the
19 locality;
- 20 u) Provide technical assistance to water, irrigation, sewer and sanitation users,
21 whether directly or in coordination with other agencies, to assist them in
22 applying for water and irrigation permits and providing data on water, irrigation,
23 sewage, and sanitation resource usage;
- 24 v) Plan, design, construct, and/or improve all types of irrigation projects and
25 appurtenant structures;
- 26 w) Operate, maintain, and administer all national irrigation systems (NIS);
- 27 x) Supervise the operation, maintenance, and repair, or otherwise, administer
28 temporarily all communal and pump irrigation systems constructed, improved,
29 and/or repaired wholly or partially with government funds;
- 30 y) Supervise the operation, maintenance, and repair, or otherwise, administer
31 temporarily all communal and pump irrigation systems constructed. improved,
32 and/or repaired wholly or partially with government funds;
- 33 z) Delegate the partial or full management of NIS to duly organized cooperatives
34 or associations;
- 35 aa) Construct multiple-purpose water resources projects designed primarily for
36 irrigation, and secondarily for hydraulic power development and/or other uses
37 such as flood control, drainage, land reclamation, domestic water supply, roads
38 and highway construction, and reforestation, among others; Provided, that the
39 plans, designs and the construction thereof shall be undertaken in coordination
40 with the agencies concerned;
- 41 bb) Charge and collect from the beneficiaries of the water from all irrigation systems
42 constructed by under its administration;

- 1 cc) In coordination with other relevant government agencies, develop and
2 implement effective codes, standards and reasonable guidelines to ensure the
3 safety of all public and private structures in the country and assure efficiency
4 and proper quality in the construction of water, irrigation, sewage, and
5 sanitation infrastructures;
- 6 dd) Coordinate with relevant government agencies, including the Department of
7 Environment and Natural Resources, to ensure that the agencies' respective
8 standards complement each other when taken as part of a larger whole;
- 9 ee) In coordination with other relevant agencies, ascertain that all plans and project
10 implementation designs are consistent with current standards and guidelines;
- 11 ff) Provide the works supervision function for all public works construction and
12 ensure that actual construction is done in accordance with approved
13 government plans and specifications;
- 14 gg) Assist other government agencies, including LGUs, in determining the most
15 suitable entity to undertake the actual construction of water, irrigation, sewage,
16 and sanitation projects;
- 17 hh) Maintain and cause to be maintained all flood control, water resource
18 development systems, irrigation systems, and other public works throughout
19 the country except those that are the responsibility of other agencies as
20 directed by the President of the Philippines or as provided by law;
- 21 ii) Provide integrated planning for flood control, flood risk management and
22 water
23 resource development and management systems, other public works;
- 24 jj) Issue and promulgate rules, regulations, and guidelines as may be necessary
25 to implement and enforce its powers and functions under this Act;
- 26 kk) Determine and require the monitoring and submission of such data, statistics,
27 and other information as may be necessary for the effective and efficient
28 exercise of its duties, functions, powers and responsibilities;
- 29 ll) Respond to consumer complaints and ensure the adequate promotion of
30 consumer interests;
- 31 mm) Deputize agents, whether from the public or private sector, to assist in
32 the performance of any of the powers and functions of the Department;
- 33 nn) Appoint, hire, and maintain adequate staff and personnel, advisers, and/or
34 consultants, with suitable qualifications and experience, as necessary;
- 35 oo) Manage funds coursed through it under General Appropriations Act intended as
36 financial assistance to Local Water Districts (LWDs) or LGUs for the
37 development and/or improvement of water supply and sanitation facilities;
- 38 pp) Exercise such other powers and functions necessary or incidental to the
39 effective administration and management of the country's water, irrigation,
40 sewage, and sanitation resources;

- 1 qq) Exercise such other incidental powers and functions as may be necessary to
2 attain the objectives of this Act;
- 3 rr) Carry such other functions as the President may from time to time assign to
4 the Department consistent with the aims and provisions of this Act; and
- 5 ss) Promulgate rules on prohibited acts and impose the appropriate penalties
6 thereto.

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

16 **Sec. 7. *Rainwater Harvesting Facility Requirement.*** – An owner or
17 developer of a new commercial, institutional, and residential development project
18 anywhere in the Philippines with a land area of at least two thousand (2,000) square
19 meters and requiring the issuance of a building permit, shall reserve, develop, and
20 maintain at least three percent of the total area, exclusive of roads, service streets,
21 and alleys as a rainwater harvesting facility. Department of Human Settlements and
22 Urban Development, other appropriate government agencies, and the LGUs shall
23 require and ensure compliance with this provision and shall deny requests for permits
24 concerning the construction project until this provision is complied with. The design
25 and specifications for the rainwater harvesting facility shall be prescribed by the
26 Department. Projects still under construction sixty (60) days following the effectivity
27 of this Act shall be covered by this provision and shall comply within three (3) years
28 from the effectivity of this Act.

29 Violators of this provision shall suffer the penalty of a fine of not less than Five
30 hundred thousand (Php500,000) but not more than Two million pesos (Php2,000,000)
31 for every year of non-compliance.

32 **Sec. 8. *Penal Provisions.*** – A person is guilty of unlawful defilement of water
33 when he intentionally or with reckless imprudence, introduces, places, or causes to be
34 introduced or placed into a water supply, a defiling agent with the intent to cause
35 sickness, physical injury, severe disfigurement or death of another human being, or
36 with intent to cause irreparable harm to such water supply or to disturb the public
37 peace.

38 Violators of this provision shall be penalized with imprisonment of not less than
39 five (5) years but not more than thirty (30) years. A fine of not less than Five hundred

1 thousand pesos (Php500,000) but not more than Ten million pesos (Php10,000,000)
2 shall also be imposed.

3 **Sec. 9. Collection of Fines.** – Fines collected from violators of the two
4 preceding provisions shall be place in a special fund and allocated to the Department
5 for the implementation of Section 6 of this Act.

6 **Sec. 10. Secretary of the Department of Water Resources**
7 **Management.** — The authority and responsibility for the exercise of the mandate of
8 the Department and for the discharge of its powers and functions shall be vested in
9 the Secretary of the Department of Water Resources Management, hereinafter
10 referred to as the Secretary, who shall have supervision and control over the
11 Department and shall be appointed by the President. For such purposes, the Secretary
12 shall:

- 13 a) Advise the President on the promulgation of executive or administrative orders,
14 regulations, proclamations, and other issuances relative to matters under the
15 jurisdiction of the Department;
- 16 b) Establish the policies and standards for the operation of the Department
17 pursuant to the President's guidelines;
- 18 c) Promulgate rules and regulations necessary to carry out Department objectives.
19 policies, and functions;
- 20 d) Exercise supervision and control over all Bureaus and Offices under the
21 Department;
- 22 e) Supervise all attached agencies and corporations in accordance with law;
- 23 f) As deemed appropriate by the Secretary, delegate authority for the
24 performance of any power or function, as defined herein or as delegated by the
25 President, to officers and employees under his direction; and
- 26 g) Perform such other duties and responsibilities as may be provided by law.

27 **Sec. 11. Office of the Secretary.** — The Office of the Secretary shall be
28 composed of the Secretary and his immediate staff.

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

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

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

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

8 **Sec. 13. Assistant Secretaries.** — The Secretary shall also be assisted by
9 one Assistant Secretary for Internal Audit and the five (5) Undersecretaries shall each
10 be assisted by not more than three (3) Assistant Secretaries likewise appointed by the
11 President of the Philippine upon the recommendation of the Secretary.

12 **Sec. 14. Organizational Structure.** – The Department shall be composed of
13 the following organization units:

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

21 **Sec. 15. Internal Audit.** — An Office of the Internal Audit is hereby created
22 within the Department for the purpose of conducting comprehensive audit of various
23 Department activities and shall have the following specific functions:

- 24 a) Advise the Secretary on all matters relating to management control and
25 operations audit;
- 26 b) Conduct management and operations performance audit of Department
27 activities and units and determine as to compliance with established objectives,
28 policies, methods and procedures, government regulations, and contractual
29 obligations of the Department;
- 30 c) Review and appraise systems and procedures, organizational structure, assets
31 management practices, accounting, and other records, reports, and
32 performance standards of the Department of Proper and Regional Offices;
- 33 d) Analyze and evaluate management deficiencies and assist top management to
34 solve problems by recommending realistic courses of action; and
- 35 e) Perform such other related duties and responsibilities as may be assigned or
36 delegated by the Secretary or as may be required by law.

37 **Sec. 16. Finance Service.** – The Finance Service is hereby created to provide
38 the Department with coordinated services relating to financial systems and

1 procedures, budget, cash, accounting, and all financial matters not falling under other
2 Services. For such purposes, it shall have the following functions:

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

18 **Sec. 17. Administrative Service.** — The Administrative Service is hereby
19 created to provide the Department with services relating to human resources
20 development, personnel records, facilities maintenance, medical and dental, gender
21 and development (GAD), security, property and procurement services. For such
22 purposes, it shall have the following functions:

- 23 a) Advise the Secretary on all matters relating to internal administration and
24 human resources management;
- 25 b) Prepare and implement an integrated personnel plan that shall include
26 provisions on merit promotion, performance evaluation, job rotation,
27 suggestions and incentive awards systems, and health and welfare services;
- 28 c) Provide services related to human resource training, education, and
29 development, including manpower, career planning and forecasting and
30 development of indigenous training materials;
- 31 d) ePrepare and/or implement Department GAD plans and budgets and GAD
32 accomplishment reports;
- 33 e) Develop, establish, and maintain an efficient and cost-effective property
34 procurement system and facilities and coordinate or otherwise interface with
35 relevant agencies, whether government or private. for the purpose of
36 developing or upgrading the system;
- 37 f) Secure and maintain necessary Department facilities, and develop, establish
38 and maintain an efficient and effective security system covering, among others,
39 personnel, physical installations, equipment, documents, and materials,
40 including the conduct of security investigations;

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

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

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

39 **Sec. 19. Regulatory and Financial Assistance Services.** — The
40 Regulatory and Financial Assistance Services is hereby created to provide the

1 Department with services on all legal affairs, compliance of attached government
2 corporations, LWDs, Rural Waterworks and Sanitation Associations (RWSAs),
3 cooperatives, and other associations, including private entities under contractual or
4 concession arrangement with them, and other private water service providers on the
5 established standards, rules and regulations relating to: water quality; infrastructure
6 and facilities design and construction; equipment, materials and supplies; operations
7 and maintenance; personnel; organization; accounting; tariffs; and other matters
8 subject to regulation. It shall also provide the Department services on the
9 management of the financial assistance available and granted to LWDs and RWSAs.
10 For this purpose, it shall have the following functions:

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

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

- 1 a) Undertake and evaluate the planning, design, construction, and works
2 supervision functions of the Department for the abovementioned infrastructure
3 within the region;
- 4 b) Undertake the maintenance of the abovementioned infrastructure within the
5 region and supervise the maintenance of such local infrastructure receiving
6 national government financial assistance as the Secretary may determine;
- 7 c) Ensure the implementation of laws, policies, programs, rules and regulations
8 regarding the abovementioned infrastructure as well as public and private
9 physical structures;
- 10 d) Provide technical assistance related to their functions to other agencies within
11 the region;
- 12 e) Coordinate with other departments, agencies, institutions, and organizations
13 within the region, in the planning and implementation of infrastructure projects;
- 14 f) Conduct continuing consultations with the local communicates, take
15 appropriate measures to make the services of the Department responsive to
16 the needs of the general public, compile and submit such information to the
17 central office, and recommend such appropriate actions as may be necessary;
18 and
- 19 g) Perform such other related duties and responsibilities as may be assigned or
20 delegated by the Secretary or as may be required by law.

21 **Sec. 21. Regional Director.** — Each Regional Office shall be headed by a
22 Regional Director who shall be responsible for efficiently and effectively carrying out
23 the duties and responsibilities of the Regional Office. She/he shall also perform such
24 other related duties and responsibilities as may be assigned or delegated by the
25 Secretary or as may be required by law.

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

CHAPTER III TRANSITORY PROVISIONS

30 **Sec. 22. Interface with Other Sector Regulators.** — The Department is
31 mandated to coordinate with the different sector regulators, as follows:

- 32 a) The Department of Environment and Natural Resources (DENR) shall continue
33 to have the primary authority and responsibility for protecting the environment
34 and for the conservation of water and related natural resources, including
35 protecting water bodies from waste and pollution and shall promulgate rules,
36 regulates, and standards in this regard. The Department shall coordinate with

1 the DENR with respect to the conservation of water resources, protection from
2 sewage and septage waste, and restoration from environment damage.

3 b) The Department of Health (DOH) shall have primary authority and responsibility
4 for determining and enforcing drinking water quality and sanitation standards.
5 The Department shall coordinate with the DOH to achieve an integrated
6 approach for sanitation, including toilets, collection, treatment, and evaluation
7 of wastewater.

8 c) The Department shall subsume responsibility from the Department of Public
9 Works and Highways (DPWH) for wholly or primarily water related public works
10 projects including flood control, water resources development, sewerage,
11 sanitation, and the harnessing and impounding of water. The Secretaries of
12 each department shall coordinate on the development of evaluation criteria, as
13 necessary, to determine proper allocation of public works projects between the
14 two departments.

15 d) The Department shall absorb the responsibility from the Department of Interior
16 and Local Government (DILG) on the management and operation of water
17 supply systems of local government units.

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

29 The transfer of powers and functions in Section 18 above, as applicable, and
30 agencies attached thereto, as herein provided for, shall take effect within one hundred
31 eighty (180) days after the effectivity of this Act. The foregoing transfer of powers
32 and functions shall include all applicable funds, personnel, records, property, and
33 equipment, as may be necessary. All offices shall continue to function under their
34 present mandates until transition is effected as provided for under this Act.

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

1 **Sec. 24. Separation from Service.** — Employees separated from
2 government service as a result of this Act shall be entitled to the benefits that they
3 may receive under existing laws, rules, and regulations.

4 **Sec. 25. Funding.** — The sum of Two billion pesos (Php2,000,000,000) shall
5 be set aside from any available funds of the National Treasury and is hereby
6 appropriated and authorized to be released for the organization of the Department
7 and its initial operations.

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

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

14 **Sec. 26. Implementing Rules and Regulations.** — Within one hundred
15 eighty (180) days after its organization as provided under Section 4 of this Act, the
16 Department, in consultation with concerned government agencies, shall promulgate
17 the necessary rules and regulations for the implementation of this Act.

18 **Sec. 27. Separability Clause.** — If any provisions or part hereof is held invalid
19 or unconstitutional, the remainder of the law or the provision not otherwise affected
20 shall remain valid and subsisting.

21 **Sec. 28. Repealing Clause.** — Any law, presidential decree or issuance,
22 executive order, letter of instruction, administrative order, and rule and regulation
23 contrary to or inconsistent with the provision of this Act is hereby repealed, modified,
24 or amended accordingly.

25 **Sec. 29. Effectivity Clause.** — This Act shall take effect fifteen (15) days after
26 its publication in the Official Gazette or a newspaper of general circulation.

Approved,