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OF THE PHILIPPINES )  
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SENATE  
S. No. 274

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Introduced by Senator S. R. Osmeña III

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AN ACT  
REGULATING THE DRINKING WATER BUSINESS AND FOR OTHER  
PURPOSES

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

1 SECTION 1. **Short Title.** – This Act shall be known as the “**Drinking**  
2 **Water Business Act of 2004**”

3 SEC. 2. **Declaration of Policy.** – It is the policy of the State to protect  
4 the health of people. Towards this end, it shall ensure that potable, safe and  
5 affordable drinking water is available to all people by adopting a comprehensive  
6 policy framework to regulate the activities of the drinking water business.

7 SEC. 3. **Definition of Terms.** –Under this Act:

8 a. “Approved water source” refers to the source of water, either  
9 spring, drilled well, public or community water system or any other source  
10 that has been inspected and the water sampled, analyzed and found safe  
11 and sanitary, with or without treatment, in accordance with prescribed  
12 quality standards.

13 b. “Bottled Water” refers to water that is intended for human  
14 consumption and that is sealed in bottles or other containers with no  
15 added ingredients except that it may optionally contain safe and suitable  
16 anti-microbial agents and may optionally contain minerals such as, but not  
17 limited to fluorides, chlorides, carbonates and sulfates, including flavoring  
18 within the limitations established by the bottler’s country. Bottled water

1 may be used as an ingredient in beverages such as, but not limited to  
2 diluted juices and flavored bottled waters. It does not include those food  
3 ingredients that are declared in ingredient labelling as “water” and or  
4 carbonated, disinfected, filtered, seltzer, soda, sparkling and tonic water.

5 c. “Bottled water business” refers to the selling for profit, either  
6 wholesale or retail of bottled water. It includes any and all activities  
7 concerning the procurement, production, processing, promotion,  
8 advertising and selling of such product.

9 d. “Consumer” refers to a natural person who is a purchaser, lessee,  
10 recipient or prospective purchaser, lessor or recipient of a consumer  
11 product, services or credit.

12 e. “Drinking Water” refers to water intended for human consumption  
13 or for use in food preparation.

14 f. “Water refill station business” refers to the selling for profit either  
15 wholesale or retail of water placed in refillable water containers or in  
16 customer’s containers in refilling stations.

17 SEC. 4. **Coverage.** – This Act shall apply to all types of drinking water  
18 businesses that shall include both the bottled water and water refill station  
19 businesses.

20 SEC. 5 **Registration.** – Any person who wishes to engage in the  
21 drinking water business shall secure the appropriate water business certificate to  
22 be issued by the Department of Trade and Industry (DTI). The certificate shall  
23 contain all such information needed as determined by the DTI. The water  
24 business certificate shall be a requirement precedent to the application for local  
25 business permits, clearances and licenses.

26 SEC. 6. **Responsibility of Owners Proprietors, Operators and**  
27 **Producers.** – Owners, proprietors and operators of water refill stations and  
28 producers of bottled water are responsible for ensuring, through good  
29 manufacturing practices, appropriate manufacturing techniques and sufficient

1 quality control procedures provided for in existing laws, rules and regulations,  
2 that all refilled and bottled water products sold to consumers comply with the  
3 World Health Organization (WHO) Guideline for Drinking Water.

4 SEC. 7. **Source Water Protection.** – The Department of Health (DOH)  
5 and local government unit concerned shall coordinate and establish a Local  
6 Drinking Water Quality Monitoring Committee that shall institute and implement a  
7 source water protection and treatment program to prevent any contamination of  
8 ground or surface water from affecting the drinking water supplies of the  
9 community.

10 SEC. 8. **Industry Associations.** – All procedures of bottled water and  
11 owners/proprietors and operators of water refill stations are encouraged to form  
12 or join their respective industry associations.

13 SEC. 9. **Deputation of Independent Third Party Organization.** – An  
14 independent third party organization or industry association shall be deputized by  
15 the DOH for bottled water businesses and the Department of the Interior and  
16 Local Government (DILG) for water refill station businesses to monitor and  
17 report violations of laws and rules and regulations: Provided, that these  
18 organizations shall coordinate with the respective local health officer and Bureau  
19 of Food and Drugs (BFAD) representatives in the fulfillment of their duties.

20 SEC. 10. **Responsibilities of the Bureau of Food and Drugs.** – All  
21 franchise holders of duly accredited water refill stations shall be governed by the  
22 BFAD to ensure compliance with prescribed uniform quality standards. The  
23 BFAD, in coordination with appropriate agencies, shall promulgate the necessary  
24 rules and regulations and standards necessary for the efficient and effective  
25 implementation of this Act.

26 SEC. 11. **Councils.** – The city and municipal councils shall enact the  
27 necessary ordinances to ensure that the various laws implementing rules and  
28 regulations concerning water refill stations are strictly enforced.

1           SEC. 12. **Additional Responsibilities and Powers.** – In addition to  
2 the powers and responsibilities mandated by existing laws, rules and regulations,  
3 the local health authority, upon the recommendation of the local health office  
4 shall:

5           (1) Suspend operations of water refill stations if found to have violated any  
6           of the laws and existing rules and regulations; and

7           (2) Prohibit the sale of water products that do not comply with regulations  
8           and standards and/or order the recall or withdrawal from the market of  
9           any water product that has been found unsuitable for human  
10          consumption.

11          SEC. 13. **Penalties.** – A fine not exceeding Ten thousand pesos  
12 (P10,000.00) or imprisonment of not more than six (6) months, or both, at the  
13 discretion of the court shall be imposed on any person who:

14          (a) Violated, disobeys, refuses without reasonable cause, omits or  
15          neglects to comply with any provision of the laws, rules and  
16          regulations on the bottled water and water refill station industries.

17          (b) Interferes with or hinders, or opposes any officer, agent or member of  
18          the DOH or DILG or the bureaus or agencies under it, in the  
19          performance of his duty as such under this law; and

20          (c) Wilfully tears down or mutilates, defaces or alters any placard or  
21          notice affixed to premises in the enforcement of the law, its rules and  
22          regulations.

23          Subsequent violations shall be punished by a fine not exceeding Fifty  
24          thousand pesos (P50,000.00) or imprisonment of not more than one (1) year, or  
25          both, at the discretion of the court. In addition, the business permits and licenses  
26          to operate of violators shall be revoked or cancelled.

27          SEC. 14. **Repealing Clause.** – All other laws, decrees, proclamations,  
28          rules and regulations inconsistent with this Act are hereby repealed, amended or  
29          modified accordingly.

1           SEC. 15. **Separability Clause.** – If, for any provision herein is declared  
2 unconstitutional, the other provisions not affected shall remain in full force and  
3 effect.

4           SEC. 16. **Effectivity Clause.** – This Act shall take effect fifteen (15)  
5 days after its publication in the *Official Gazette* at least two (2) newspapers of  
6 national circulation.

7           Approved