

SENATE

'19 JUL -2 P2:10

S.B. No. 195

RECEIVED BY: _____



INTRODUCED BY: SENATOR EMMANUEL D. PACQUIAO

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

EXPLANATORY NOTE

The water.org reports that out of 101 million Filipinos, 9 million rely on unimproved, unsafe and unsustainable water resources and 19 million lack access to improved sanitation. Meanwhile, despite the rainy season, the lack of water supply continues to burden Metro Manila and its neighboring provinces. These are just among the number of water-related problems the country has been facing.

The government has more than 30 different agencies/units that have water-related functions but the centrality of data on water resources remains absent. The lack of a lead government body coordinating with water-related issues contributes to the growing water crisis. Actual integration needs a law.

This bill seeks to create the Department of Water Resources which will holistically integrate all measures designed to ensure the availability and quality of water, synchronize all the acts of all government agencies that have water-related functions.

In view of the foregoing, approval of this measure is earnestly sought.



EMMANUEL D. PACQUIAO

SENATE

S.B. No. 195

'19 JUL -2 P2:10

INTRODUCED BY: SENATOR EMMANUEL D. PACQUIAO 

**AN ACT
CREATING THE DEPARTMENT OF WATER RESOURCES, DEFINING ITS
POWERS 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:

- 1 **Section 1.** *Title.* – This Act shall be known as the "Department of Water Resources."
- 2 **Section 2.** *Declaration of Policy.* – It is the policy of the State to recognize, protect, realize,
3 and enhance the right of all Filipinos to safe, clean, affordable, and accessible drinking water,
4 sanitation and irrigation as essential to the full enjoyment of life and all human rights and the
5 protection and sustainability of the environment.
- 6 **Section 3.** *Scope.* – The Department of Water Resources - There is hereby created and
7 established the Department of Water Resources, referred to as the "Department," which shall
8 be organized within one hundred twenty (120) days after the effectivity of this Act.
- 9 **Section 4.** *Objectives, Duties, and Powers.*
- 10 a. Formulate, recommend, and implement national policies, plans, programs that will
11 establish systematic and efficient water management and ensure the availability of
12 water for specific purposes in the country;
13
- 14 b. Integrate the different agencies of the government that have water-related functions
15 into the Department of Water Resources;
16
- 17 c. Create and update a road map of rivers and water sources;
18
- 19 d. Conduct continuing surveys and studies of the country's renewable water supply
20 with a view towards formulating long-term policies to balance the sustainability
21 and optimal use of water resources, defining the hydrologic boundaries of basins of
22 the existing water supply sources, and create and implement countrywide master
23 plans for water resources management and development;
24

- e. Regulate and control the utilization, exploitation, abstraction, diversion, and development of water resources, taking into account its equitable distribution, and determine the standards of beneficial and priority uses of water in times of crisis and national emergencies;
- f. Assist and provide the National Economic and Development Authority (NEDA) with required data and inputs from and for the water sector in the formulation of the country's short-term and long-term strategic development plans and actions;
- g. Require all private individuals, corporations and government agencies affecting water resources and the construction of hydraulic facilities in watershed or basin areas of water supply sources to obtain a permit to construct such facilities from the Department;
- h. Conduct and continue studies pertaining to water use, exploitation, development, conservation, or protection of waters, water resources, and watershed or basin areas;
- i. Enter any property of public dominion or any private land or building for the purpose of conducting hydrologic surveys and investigations and to determine compliance with water laws and standards;
- j. Issue and promulgate rules, regulations, and guidelines as may be necessary to implement and enforce its powers and functions under this Act;
- k. Ensure and protect the rights and welfare of consumers;
- l. Exercise such other acts as are incident to or are appropriate and necessary in connection with the creation of the Department.

Section 5. *Secretary of the Department of Water Resources.* - The authority and responsibility for the exercise of the mandate of the Department and for the discharge of its powers and functions shall be vested in the Secretary of the Department of Water Resources.

Section 6. *Office of the Secretary.* - The Office of the Secretary shall be composed of the Secretary and his/her immediate staff.

Section 7. *Undersecretaries.* - The Secretary shall be assisted by not more than five (5) Undersecretaries, who shall be appointed by the President upon the recommendation of the Secretary, as follows:

- a. One for the Finance Service;
- b. One for the Administrative Service;
- c. One for the Planning and Engineering Services;
- d. One for the Regulatory and Financial Assistance Services; and
- e. One for the Operations.

1
2 Within her/his functional area of responsibility, an Undersecretary shall have the following
3 functions:

4 (a) Advise and assist the Secretary in the formulation and implementation of
5 Department policies, plans, programs, and projects;

6 (b) Supervise all the operational activities of the units assigned to her/him, for
7 which she/he is responsible to the Secretary.
8

9 **Section 8. Regional Director.** – Each Regional Office shall be headed by a Regional Director
10 who shall be responsible for efficiently and effectively carrying out the duties and
11 responsibilities of the Regional Office. She/he shall also perform such other related duties and
12 responsibilities as may be assigned or delegated by the Secretary or as may be required by law.
13 The Regional Director shall be assisted by two (2) Assistant Regional Directors who shall
14 exercise supervision respectively over (1) the planning, project design, evaluation, and
15 technical assistance functions of the Regional Office, and (2) the construction, maintenance,
16 and works supervision functions in the region.

17 **Section 9. Interface with Other Sector Regulators.** – The Department is mandated to
18 coordinate with the different sector regulators as follows:

19 a. The Department of Environment and Natural Resources (DENR) shall continue to have
20 the primary authority and responsibility for protecting the environment and for the
21 conservation of water and related natural resources, including protecting water bodies
22 from waste and pollution and shall promulgate rules, regulations, and standards in this
23 regard. The Department shall coordinate with the DENR with respect to the
24 conservation of water resources, protection from sewage and septage waste, and
25 restoration from environment damage;

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

30 c. The Department shall subsume responsibility from the Department of Public Works
31 and Highways (DPWH) for wholly or primarily water-related public works projects
32 including flood control, water resources development, sewerage, sanitation, and the
33 harnessing and impounding of water. The Secretaries of each department shall
34 coordinate on the development of evaluation criteria as necessary, to determine proper
35 allocation of public works projects between the two departments.

36 d. The Department shall absorb the responsibility from the Department of Interior and
37 Local Government (DILG) on the management and operation of water supply systems
38 of local government units.
39

40 **Section 10. Implementing Rules and Regulations.** – Within one hundred eighty (180) days
41 from the effectivity of this Act, the Department, in consultation with the concerned government
42 agencies, shall promulgate the necessary implementing rules and regulations for the

1 implementation of this Act: Provided, That such revised implementing rules and regulations
2 shall only take effect fifteen (15) days following its publication in two (2) newspapers of
3 general circulation.

4
5 **Section 11. Appropriations.** – The amount necessary to carry out the initial implementation
6 of this Act shall be sourced from any available funds of the National Treasury, and is hereby
7 appropriated and authorized to be released for the organization of the Department and its initial
8 operations.

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

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

14 **Section 12. Separability Clause.** – If any part or provision of this Act is held invalid or
15 unconstitutional, other provisions not affected thereby shall remain in force and effect.

16
17 **Section 13. Repealing Clause.** – The provisions of any law, whether general or special, rules
18 and regulations and other issuances or parts thereof which are inconsistent with the Act are
19 hereby repealed, amended or modified accordingly.

20
21 **Section 14. Effectivity Clause.** – This Act shall take effect fifteen (15) days after its
22 publication in the Official Gazette or in at least two (2) national newspapers of general
23 circulation.

24
25
26
27

Approved,