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REPUBLIC OF THE PHILIPPINES)
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SENATE

RECEIVED PM: 

S. No. 1536

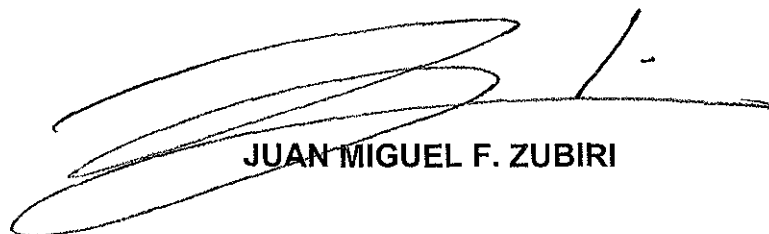
Introduced by Senator JUAN MIGUEL F. ZUBIRI

EXPLANATORY NOTE

In recent years the deterioration of the quality of potable water in many urban areas, has led to the proliferation of numerous companies and franchise refill stations selling bottled or potable water refills. These water products are advertised and described as mineral, spring, pure or distilled water. They are now found in nearly every nook and cranny in the metropolis and urban areas across the country and patronized by a growing number of our countrymen on a regular basis.


This bill seeks to protect the health and welfare of the public by regulating the drinking water business so as to ensure that they comply with health standards and are consistent with their advertisement.

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



JUAN MIGUEL F. ZUBIRI

SENATE

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Introduced by Senator JUAN MIGUEL F. ZUBIRI

**AN ACT
REGULATING THE BOTTLED WATER BUSINESS**

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

1 SECTION 1. *Short Title.* – This Act shall be known as the “Drinking Water
2 Business Act of 2007.”

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

7 SECTION 3. *Definition of Terms.* – As used in this Act:

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

12 b) Bottled water – refers to water that is intended for human consumption and
13 that is sealed in bottles or other containers with no added ingredients except
14 that it may optionally contain safe and suitable anti-microbial agents and may
15 optionally contain minerals such as, but not limited to fluorides, chlorides,
16 carbonates and sulfates, including flavoring within limitations established by
17 the bottler’s country. Bottled water may be used as an ingredient in
18 beverages such as, but not limited to, diluted juices and flavored bottled
19 waters. It does not include those food ingredients that are declared in
20 ingredient labeling as “water” and or carbonated, disinfected, filtered, seltzer,
21 soda, sparkling and tonic water.

22 c) Bottled water business – refers to the selling for profit, either wholesale or
23 retail, of bottled water. It includes any an all activities concerning the

1 procurement, production, processing, promotion, advertising, and selling of
2 such product.

3 d) Consumer – refers to a natural person who is a purchaser, lessee, recipient
4 or prospective purchaser, lessor or recipient of a consumer product, services
5 or credit.

6 e) Drinking water – refers to water intended for human consumption or for use in
7 food preparation.

8 f) Water refill station business – refers to the selling for profit either wholesale or
9 retail of water placed in refillable water containers or in customer’s containers
10 in refilling stations.

11 SECTION 4. *Coverage.* – This Act shall apply to all types of drinking water
12 businesses that shall include both the bottled water and water refill station business.

13 SECTION 5. *Registration.* – Any person who wishes to engage in the drinking
14 water business shall secure the appropriate water business certificate to be issued by
15 the Department of Trade and Industry (DTI). The certificate shall contain all such
16 information needed as determined by the DTI. The water business certificate shall be a
17 requirement precedent to the application of local business permits, clearances and
18 licenses.

19 SECTION 6. *Responsibility of Owners/Proprietors, Operators and Producers.* –
20 Owners, proprietors and operators of water refill stations and producers of bottled water
21 are responsible for ensuring, through good manufacturing practices, appropriate
22 manufacturing techniques and sufficient quality control procedures provided for in
23 existing laws, rules and regulations, that all refilled and bottled water sold to consumers
24 comply with the World Health Organization (WHO) Guidelines for Drinking Water.

25 SECTION 7. *Source of Water Protection.* – The Department of Health (DOH)
26 and local government units concerned shall coordinate and establish a Local Drinking
27 Water Quality Monitoring Committee that shall institute and implement a source of water
28 protection and treatment program to prevent any contamination of ground or surface
29 water from affecting the drinking water supplies of the community.

30 SECTION 8. *Industry Associations.* – All procedures of bottled water and
31 owners/proprietors and operators of water refill stations are encouraged to form or join
32 their respective industry associations.

33 SECTION 9. *Deputation of Independent Third Party Organization.* – An
34 independent third party organization or industry association shall be deputized by the
35 DOH for bottled water businesses and the Department of the Interior and Local
36 Government (DILG) for water refill station business to monitor and report violations of
37 law and rules and regulations: *Provided,* That these organizations shall coordinate with
38 the respective local health officer and Bureau of Food and Drugs (BFAD)

1 representatives in the fulfillment of their duties.

2 SECTION 10. *Responsibilities of the Bureau of Food and Drugs.* – All franchise
3 holders of duly accredited water refill stations shall be governed by the BFAD to ensure
4 compliance with prescribed uniform quality standards.

5 SECTION 11. *Councils.* – The city and municipal councils shall enact the
6 necessary ordinances to ensure that the various laws and implementing rules and
7 regulations concerning water refill stations are strictly enforced.

8 SECTION 12. *Additional Responsibilities and Powers.* – In addition to the
9 powers and responsibilities mandated by existing laws, rules and regulations, the local
10 health authority, upon the recommendation of the local health office, shall:

- 11 a) Suspend operations of water refill stations if found to have violated any of the
12 laws and existing rules and regulations; and
13 b) Prohibit the sale of water products that do not comply with regulations and
14 standards and/or order the recall or withdrawal from the market of any water
15 product that has been found unsuitable for human consumption.

16 SECTION 13. *Penalties.* – A fine not exceeding Ten Thousand Pesos
17 (P10,000.00) or imprisonment of not more than six (6) months, or both, at the discretion
18 of the court shall be imposed on any person who:

- 19 a) Violates, disobeys, refuses without reasonable cause, omits or neglects to
20 comply with any provision of the laws, rules and regulations on the bottled
21 water and water refill station industries;
22 b) Interferes with or hinders, or opposes any officer, agent or member of the
23 DOH or DILG or the bureaus or agencies under it, in the performance of his
24 duty as such under this law; and
25 c) Willfully tears down or mutilates, defaces or alters any placard or notice
26 affixed to premises in the enforcement of the law, its rules and regulations.

27 Subsequent violations shall be punished by a fine not exceeding Fifty Thousand
28 Pesos (P50,000.00) or imprisonment of not more than one (1) year, or both, at the
29 discretion of the court. In addition, the business permits and licenses to operate of
30 violators shall be revoked or cancelled.

31 SECTION 14. *Implementing Rules and Regulations (IRR).* – The BFAD, in
32 coordination with the DOH, DTI, DILG and other appropriate agencies, shall promulgate
33 the implementing rules and regulations (IRR) and standards necessary for the efficient
34 and effective implementation of this Act.

35 The IRR shall be promulgated sixty (60) days after the effectivity of this Act.

36 SECTION 15. *Repealing Clause.* – All other laws, decrees, and proclamations,
37 rules and regulations inconsistent with this Act are hereby considered repealed,
38 amended or modified accordingly.

1 SECTION 16. *Separability Clause.* – If any provision herein is declared
2 unconstitutional, the other provisions not affected shall remain in full force and effect.

3 SECTION 17. *Effectivity.* – This Act shall take effect fifteen (15) days after its
4 publication in at least two (2) national newspapers of general circulation.

5 Approved.