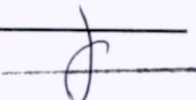




SENATE
S. No. 938

'19 AUG 20 P2:42

Introduced by Senator Grace Poe

RECEIVED BY: 

**AN ACT
MANDATING ALL EMPLOYERS IN THE PRIVATE AND PUBLIC SECTORS,
INCLUDING ALL GOVERNMENT OFFICES, AGENCIES AND
INSTRUMENTALITIES, TO PROVIDE, FREE OF CHARGE, CLEAN, HEALTHY,
SUFFICIENT AND ACCESSIBLE DRINKING WATER TO ALL ITS EMPLOYEES**

Explanatory Note

The United Nations recognized one's access to water as a basic human right. There has to be sufficient, accessible and affordable water.

In the Philippines, the standards and procedures on drinking water quality to protect public/consumers' health are prescribed in the National Standards for Drinking Water which started way back in 1963 and revised in Department of Health Administrative Order No. 2017-10.

According to studies, adult humans are 60% water and our blood is 90% water. To function properly, all the cells and organs of the body need water. Drinking water is needed to lubricate the joints, form saliva, deliver oxygen throughout the body, cushion the brain, spinal cord, and other sensitive tissues, regulate body temperature, produce hormones and neurotransmitters, help food pass through the intestines, and flush body waste, among others.¹

Drinking-water, no matter how essential, is unfortunately not free. Refilling stations charge around Php50.00 per 5 gallons of drinking-water. For people who are working in the field or those who are obligated to move around and outside an

¹ <https://www.medicalnewstoday.com/articles/290814.php>

office, bottled mineral water ranges from Php18.00 to Php40.00 depending on the volume (1 liter to 1.5 liters).

This legislative measure seeks to remove the burden of having to spend for healthy drinking water in line of duty. It mandates all employers to provide free, healthy, and accessible drinking water to all employees during working hours whether or not the latter's work, tasks and/or duties are performed inside or outside office or business premises. This legislative measure likewise seeks to penalize non-compliant employers who will deprive employees of the basic human need to have healthy and accessible drinking water.

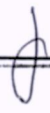
It is for the foregoing considerations and reasons that the immediate approval of this legislative measure is earnestly sought.



GRACE POE

'19 AUG 20 P2:43

SENATE
S. No. 938

RECEIVED BY: 

Introduced by Senator Grace Poe

AN ACT
MANDATING ALL EMPLOYERS IN THE PRIVATE AND PUBLIC SECTORS,
INCLUDING ALL GOVERNMENT OFFICES, AGENCIES AND
INSTRUMENTALITIES, TO PROVIDE, FREE OF CHARGE, CLEAN, HEALTHY,
SUFFICIENT AND ACCESSIBLE DRINKING-WATER TO ALL ITS EMPLOYEES

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 "*Tubig Para Sa Mga*
2 *Empleyado Act*".

3 Sec. 2. *Declaration of Policy.* – It is the declared policies of the State to
4 promote the general welfare of everyone and to protect and promote everyone's
5 right to health.

6 Further, the State affirms that labor is a primary social economic force. The
7 State shall protect the rights of workers and promote their welfare. It is hereby
8 declared as a policy of the State to ensure that all employees shall be provided, free
9 of charge, with clean, healthy, sufficient and accessible drinking water.

10 Sec. 3. *Definition of Terms.* – The following terms as used in this Act shall
11 mean:

12 a. *Drinking Water* – water that is compliant with Administrative Order No.
13 2017-0010 issued by the Office of the Secretary, Department of Health (DOH) or the
14 "Philippine National Standards for Drinking Water" or "PNSDW";

15 b. *Employee* – any employee or worker regardless of the nature of
16 employment, including regular, non-regular, project-based, contractuels, permanent,
17 casuals, co-terminus, job order employees and/or personnel.

1 Sec. 4. *Mandatory Provision of Drinking-Water to all Employees.* – All
2 employers in the private and public sectors are mandated to provide, free of charge,
3 healthy, sufficient and accessible drinking-water to all its employees during working
4 hours while performing their respective tasks and/or duties inside or outside the
5 office or business place and premises thereof.

6 Employers shall provide the above-mentioned drinking-water not in the form
7 of monetary allowance of whatever nature and shall never be allowed to deduct the
8 expenses for said item in the salaries, allowances and/or benefits of/for the
9 employees.

10 Sec. 5. *Penalties.* – A fine of One Hundred Thousand Pesos (Php100,000.00)
11 to Five Hundred Thousand Pesos (Php500,000.00) and/or imprisonment of six (6)
12 months to two (2) years shall be imposed to an employer per violation of Section 4
13 of this Act.

14 For juridical entities, the officer(s)/official(s) responsible for the above
15 mentioned violation shall be the one(s) to be penalized. Said officer(s)/official(s)
16 shall be solidarily liable with the juridical entity in relation to the payment of fines.

17 In case of public officers/officials/employees, the accessory penalty of
18 perpetual disqualification from public office shall likewise be imposed. Filing of other
19 appropriate administrative cases is not barred by the implementation of this Act.

20 Sec. 6. *Prescription.* – Violations of Section 4 of this Act shall prescribe in one
21 (1) year from the date of the discovery of said violation.

22 Sec. 7. *Jurisdiction.* – Violations of this Act shall be cognizable by the
23 appropriate Regional Trial Courts where said violations were committed.

24 Sec. 8. *Implementing Rules and Regulations.* – The Department of Labor and
25 Employment (DOLE) and the Department of the Interior and Local Government
26 (DILG), together with the Department of Health (DOH), Civil Service Commission
27 (CSC), Department of Budget Management (DBM), and all other involved agencies,
28 shall formulate and promulgate the necessary implementing rules and regulations of
29 this Act within ninety (90) days from the effectivity of this Act.

30 Sec. 9. *Separability Clause.* – If for any reason any section or provision of this
31 Act is declared to be unconstitutional or invalid, the other sections or provisions
32 thereof which are not affected thereby shall continue to be in full force and effect.

1 Sec. 10. *Repealing Clause.* – All laws, decrees, orders, rules or regulations or
2 parts thereof inconsistent with the provisions of this Act are hereby repealed,
3 amended, or modified accordingly.

4 Sec. 11. *Effectivity.* – This Act shall take effect after fifteen (15) days upon
5 publication in a newspaper of general circulation.

Approved,