



Senate

Office of the Secretary

EIGHTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)

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SENATE
S. No. 1137

Introduced by SENATOR RONALD "BATO" DELA ROSA

EXPLANATORY NOTE

Samuel Taylor Coleridge predicted more than just a water crisis. "Water, water every where, nor any drop to drink," from Coleridge's *The Rime of the Ancient Mariner*,¹ captures the predicament of a human race that no longer has access to water. At the outset this might sound like a nightmare, and yet looking more closely at what is happening today, one finds that the nightmare is gradually becoming true.

Several factors lead up to the shortage of water, which the Philippines, along with the rest of the world, is currently experiencing. According to a 2016 report from the National Economic Development Authority (NEDA)², urbanization remains to be one of the major problems, with urban areas utilizing more water than they should. There is also the prevalence of weak enforcement of laws and regulations pertinent to water use in the country. Just recently, in the summer of 2019, Metro Manila experienced the worst

¹ Coleridge, Samuel Taylor. "The Rime of the Ancient Mariner," retrieved from: <https://www.poetryfoundation.org/poems/43997/the-rime-of-the-ancient-mariner-text-of-1834>, retrieved on October 9, 2019.

² Kritz, Ben. "Philippines: A hotspot for water crisis," October 10, 2016. Retrieved from: <https://www.manilatimes.net/2016/10/10/supplements/philippines-hotspot-water-crisis/290528/290528/>, retrieved on October 14, 2019.

water crisis it has ever had in a decade,³ and it was largely due to the rising demand for water in the cities, as well as the delays in constructing the infrastructure needed to provide additional water supply. The heat of the summer also contributed to the shrinking water level of the dams. To add insult to injury, the persistence of overlapping functions of the country's water agencies hardly did anything to alleviate the crisis.

With the onset of rapid industrialization all over the Philippines, it would be quite easy to imagine how and why the water crisis is a problem not only for Metro Manila, but for the rest of the country as well. Viewed in this light, it is imperative that a Department of Water Resources Management be created to oversee and direct the wise use and management of water.

The Department shall be guided by an integrated water resources management framework, and they shall exercise the powers and functions necessary for the review, revision, and integration of all regulations and policies pertinent to the conservation and effective management of water resources and water supply. Under the Department, systems shall be developed towards greater efficacy in optimizing the use of all the freshwater sources in the country as well as in improving water conservation.

The bill, in seeking to create the Department of Water Resources Management, ultimately aims to provide Filipinos with a better quality of life. In more ways than one, the vision of such a life does and will always include clean and safe water for everyone, including the generations still to come. That way, Coleridge's words will always remain to be mere lines from a poem, and not words of desperation from the mouth of a Filipino.

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


RONALD "BATO" DELA ROSA
Senator

³ Calonzo, Andreo & Yap, Cecilia. "The Worst Water Crisis in Nearly a Decade Hits Manila. Here's Why," March 10, 2019. Retrieved from: <https://www.bloomberg.com/news/articles/2019-03-18/worst-water-crisis-in-decade-hits-philippine-capital-here-s-why>, retrieved on October 14, 2019.

EIGHTEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES
First Regular Session

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Senate
Office of the Secretary

'19 NOV -4 P3 :02

SENATE
S. No. 1137

RECEIVED BY:

Introduced by SENATOR RONALD "BATO" DELA ROSA

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

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

CHAPTER 1

GENERAL PROVISIONS

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

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

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

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

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

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

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 read to
26 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

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

- a) Implementing necessary policy and resource reforms with respect to the management of all water resources including irrigation, sewage, and sanitation;
- b) Monitoring and evaluating compliance with the national goals relating to water, irrigation, sewage, and sanitation;
- c) Formulating a national updated road map to address the water, sewage, and sanitation requirements of the State; and
- d) Improving conservation of water and increasing system efficiencies.

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

- a) Develop policies to promote universal access to safe, adequate, affordable and sustainable water supply for all Filipinos. These shall include policies for irrigation, sewage, and sanitation services;
- b) Coordinate with relevant government agencies or entities to provide policy directions, strategies, and targets to meet the goals and objectives for water supply, irrigation, sewage, and sanitation. Such policies shall, among other things, integrate the issues of water, irrigation, sewage, energy, environment and food security;
- c) Manage and protect the country's water resources to ensure the optimal use thereof for domestic water supply, sewage, sanitation, irrigation, hydropower, navigation, flood control, and recreation including the enhancement and maintenance of water quality, conservation of watersheds control of water pollution, and environmental restoration, without compromising the natural ecosystem functions and services;

- d) Manage the ownership, appropriation, utilization, exploitation, development, conservation and protection of water resources including but not limited to ground water, surface water, rainwater, run-offs, floods, stormwater and urban drainage, and treated wastewater and the rights to land related thereto and their competing demands;
- e) Ensure the protection of all water resources with greater emphasis on sources of drinkable water and coordinate with the Local Government Units (LGUs) for the protection of waters within their jurisdictions especially on pollution prevention and restoration of rivers;
- f) Undertake and coordinate with other agencies and government entities in data gathering, scientific research, and studies on water resources management and development, and conduct nationwide hydrologic surveys to determine the annual renewable water available per water region;
- g) Formulate and enforce rules and regulations in the administration and management of the country's water resources and implement rules and guidelines for the enforcement of water-related laws;
- h) Conduct continuing surveys and studies of the country's renewable water supply with a view towards formulating long-term policies to balance the sustainability and optimal use of water resources, defining the hydrologic boundaries of basins of the existing water supply sources, and creating and implementing countrywide master plans for water resources management and development;
- i) Coordinate with and assist other government agencies in all aspects of data gathering, conduct studies and research, and classify and establish water quality standards for surface and ground water, including national standards for drinking water and wastewater effluence in coordination with relevant agencies;
- j) Coordinate with other relevant agencies to engage in flood control and flood risk management, formulate integrated water resources management (IWRM) policies and plans, and coordinate the implementation, promotion, revision and enhancement of IWRM plans;

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

1 not for the purpose of conducting hydrologic surveys and investigations,
2 including assessing and evaluating the conditions of water facilities installed
3 and determining compliance with water laws and standards;

4 t) Require LGUs and national agencies to submit zoning and land use
5 management plans to ensure the integration of water resource management
6 plans; Provided, that no zoning and land use plan shall become effective and
7 enforceable unless and until a certification of integration of water, sewage, and
8 sanitation resource management plan has been issued by the Department.
9 Should the Department have serious concerns affecting conservation and
10 sustainability of water supply, such concerns must first be resolved by the
11 Department and the concerned LGU and/or national agency. However, in the
12 absence of such concerns, the concerned LGU and/or government agency may,
13 ninety (90) days from the submission of its zoning and land use plan and after
14 submitting to the Department a written notice of compliance with this provision,
15 proceed with the implementation of its zoning and land use plan without
16 prejudice to later integration of the water resource management plan for the
17 locality;

18 u) Provide technical assistance to water, irrigation, sewer and sanitation users,
19 whether directly or in coordination with other agencies, to assist them in
20 applying for water and irrigation permits and providing data on water, irrigation,
21 sewage, and sanitation resource usage;

22 v) Plan, design, construct, and/or improve all types of irrigation projects and
23 appurtenant structures;

24 w) Operate, maintain, and administer all national irrigation systems (NIS);

25 x) Supervise the operation, maintenance, and repair, or otherwise, administer
26 temporarily all communal and pump irrigation systems constructed, improved,
27 and/or repaired wholly or partially with government funds;

28 y) Supervise the operation, maintenance, and repair, or otherwise, administer
29 temporarily all communal and pump irrigation systems constructed. improved,
30 and/or repaired wholly or partially with government funds;

31 z) Delegate the partial or full management of NIS to duly organized cooperatives
32 or associations;

- 1 aa)Construct multiple-purpose water resources projects designed primarily for
2 irrigation, and secondarily for hydraulic power development and/or other uses
3 such as flood control, drainage, land reclamation, domestic water supply, roads
4 and highway construction, and reforestation, among others; Provided, that the
5 plans, designs and the construction thereof shall be undertaken in coordination
6 with the agencies concerned;
- 7 bb)Charge and collect from the beneficiaries of the water from all irrigation systems
8 constructed by under its administration;
- 9 cc)In coordination with other relevant government agencies, develop and
10 implement effective codes, standards and reasonable guidelines to ensure the
11 safety of all public and private structures in the country and assure efficiency
12 and proper quality in the construction of water, irrigation, sewage, and
13 sanitation infrastructures;
- 14 dd)Coordinate with relevant government agencies, including the Department of
15 Environment and Natural Resources, to ensure that the agencies' respective
16 standards complement each other when taken as part of a larger whole;
- 17 ee)In coordination with other relevant agencies, ascertain that all plans and project
18 implementation designs are consistent with current standards and guidelines;
- 19 ff) Provide the works supervision function for all public works construction and
20 ensure that actual construction is done in accordance with approved
21 government plans and specifications;
- 22 gg)Assist other government agencies, including LGUs, in determining the most
23 suitable entity to undertake the actual construction of water, irrigation, sewage,
24 and sanitation projects;
- 25 hh)Maintain and cause to be maintained all flood control, water resource
26 development systems, irrigation systems, and other public works throughout
27 the country except those that are the responsibility of other agencies as
28 directed by the President of the Philippines or as provided by law;
- 29 ii) Provide integrated planning for flood control, flood risk management and water
30 resource development and management systems, other public works;
- 31 jj) Issue and promulgate rules, regulations, and guidelines as may be necessary
32 to implement and enforce its powers and functions under this Act;

- 1 kk) Determine and require the monitoring and submission of such data, statistics,
2 and other information as may be necessary for the effective and efficient
3 exercise of its duties, functions, powers and responsibilities;
- 4 ll) Respond to consumer complaints and ensure the adequate promotion of
5 consumer interests;
- 6 mm) Deputize agents, whether from the public or private sector, to assist in
7 the performance of any of the powers and functions of the Department;
- 8 nn) Appoint, hire, and maintain adequate staff and personnel, advisers, and/or
9 consultants, with suitable qualifications and experience, as necessary;
- 10 oo) Manage funds coursed through it under General Appropriations Act intended as
11 financial assistance to LWDs or LGUs for the development and/or improvement
12 of water supply and sanitation facilities;
- 13 pp) Exercise such other powers and functions necessary or incidental to the
14 effective administration and management of the country's water, irrigation,
15 sewage, and sanitation resources;
- 16 qq) Exercise such other incidental powers and functions as may be necessary to
17 attain the objectives of this Act;
- 18 rr) Carry such other functions as the President may from time to time assign to
19 the Department consistent with the aims and provisions of this Act; and
- 20 ss) Promulgate rules on prohibited acts and impose the appropriate penalties
21 thereto.

22 Sec. 6. *Barangay Water Harvesting.* – The duties under Republic Act No. 6716
23 or the Act Providing for the Construction of Water Wells, Rainwater Collectors,
24 Development of Springs and Rehabilitation of Existing Water Wells in All Barangays in
25 the Philippines of 1989 shall be transferred from the Department of Public Works and
26 Highways to the Department who shall consult with the respective LGUs for
27 implementation. The Department shall, within two (2) years after the approval of this
28 Act and every year thereafter, submit periodic reports to the respective Committees
29 on Local Government of both Houses of the Congress of the Philippines for evaluation
30 and consideration.

31 Sec. 7. *Rainwater Harvesting Facility Requirement.* – An owner or developer of
32 a new commercial, institutional, and residential development project anywhere in the

1 Philippines with a land area of at least two thousand (2,000) square meters and
2 requiring the issuance of a building permit, shall reserve, develop, and maintain at
3 least three percent of the total area, exclusive of roads, service streets, and alleys as
4 a rainwater harvesting facility. The LGUs shall require and ensure compliance with this
5 provision and shall deny requests for permits concerning the construction project until
6 this provision is complied with. The design and specifications for the rainwater
7 harvesting facility shall be prescribed by the Department. Projects still under
8 construction 60 days following the effectivity of this Act shall be covered by this
9 provision and shall comply within three (3) years from the effectivity of this Act.

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

13 Sec. 8. A person is guilty of unlawful defilement of water when he intentionally
14 or with reckless imprudence, introduces, places, or causes to be introduced or placed
15 into a water supply, a defiling agent with the intent to cause sickness, physical injury,
16 severe disfigurement or death of another human being, or with intent to cause
17 irreparable harm to such water supply or to disturb the public peace.

18 Violators of this provision shall be penalized with imprisonment of not less than
19 five (5) years but not more than thirty (30) years. A fine of not less than Five hundred
20 thousand pesos (Php500,000) but not more than Ten million pesos (Php10,000,000)
21 shall also be imposed.

22 Sec. 9. *Collection of Fines.* – Fines collected from violators of the two preceding
23 provisions shall be placed in a special fund and allocated to the Department for the
24 implementation of Section 6 of this Act.

25 Sec. 10. *Secretary of the Department of Water Resources Management.* — The
26 authority and responsibility for the exercise of the mandate of the Department and for
27 the discharge of its powers and functions shall be vested in the Secretary of the
28 Department of Water Resources Management, hereinafter referred to as the
29 Secretary, who shall have supervision and control over the Department and shall be
30 appointed by the President. For such purposes, the Secretary shall:

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

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

Sec. 12. *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:

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

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

- a) Advise and assist the Secretary in the formulation and implementation of Department policies, plans, programs, and projects;
- b) Supervise all the operational activities of the units assigned to her/him, for which she/he is responsible to the Secretary; and

- 1 c) Perform such other duties and responsibilities as may be assigned or delegated
2 by the Secretary to promote efficiency and effectiveness in the delivery of public
3 services or as may be required by law.

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

8
9 Sec. 14. *Organizational Structure.* — The Department shall be composed of the
10 following organization units:

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

18 Sec. 15. *Internal Audit.* — The Internal Audit is hereby created for the purpose
19 of conducting comprehensive audit of various Department activities and shall have the
20 following specific functions:

- 21 a) Advise the Secretary on all matters relating to management control and
22 operations audit;
23 b) Conduct management and operations performance audit of Department
24 activities and units and determine as to compliance with established objectives,
25 policies, methods and procedures, government regulations, and contractual
26 obligations of the Department;
27 c) Review and appraise systems and procedures, organizational structure, assets
28 management practices, accounting, and other records, reports, and
29 performance standards of the Department of Proper and Regional Offices;
30 d) Analyze and evaluate management deficiencies and assist top management to
31 solve problems by recommending realistic courses of action; and

- 1 e) Perform such other related duties and responsibilities as may be assigned or
2 delegated by the Secretary or as may be required by law.

3 Sec. 16. *Finance Service.* – The Finance Services is hereby created to provide
4 the Department with coordinated services relating to financial systems and
5 procedures, budget, cash, accounting, and all financial matters not falling under other
6 Services. For such purposes, it shall have the following functions:

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

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

- 27 a) Advise the Secretary on all matters relating to internal administration and
28 human resources management;
29 b) Prepare and implement an integrated personnel plan that shall include
30 provisions on merit promotion, performance evaluation, job rotation,
31 suggestions and incentive awards systems, and health and welfare services;

- c) Provide services related to human resource training, education, and development, including manpower, career planning and forecasting and development of indigenous training materials;
- d) Prepare and/or implement Department GAD plans and budgets and GAD accomplishment reports;
- e) Develop, establish, and maintain an efficient and cost-effective property procurement system and facilities and coordinate or otherwise interface with relevant agencies, whether government or private. for the purpose of developing or upgrading the system;
- f) Secure and maintain necessary Department facilities, and develop, establish and maintain an efficient and effective security system covering, among others, personnel, physical installations, equipment, documents, and materials, including the conduct of security investigations;
- g) Coordinate with the appropriate government agencies for a more efficient conduct of administrative processes;
- h) Develop, establish and maintain an efficient records system;
- i) Provide assistance in its area of specialization to the Department Proper and Regional Offices and, when requested, the government agencies and corporations attached to the Department; and
- j) Perform such other related duties and responsibilities as may be assigned or delegated by the Secretary or as may be required by law.

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

- a) Advise the Secretary on all matters relating to infrastructure planning and implementation;
- b) Formulate strategies and priorities for infrastructure development consistent with national development objectives and initiate or undertake relevant surveys for development planning;
- c) Formulate and implement long-range, medium-term and annual development plans and programs for infrastructure, including flood control, water resource

development systems, and other public works projects, including phasing of implementation and review and integrate land use plans with such water development plans;

- d) Identify and implement priority packages for infrastructure development, including flood control, water resource development systems, and other public works projects, and undertake or supervise and evaluate the conduct of feasibility studies and project preparation and implementation thereof;
- e) Prioritize project implementation and the allocation of funds and other resources and package project proposals for funding and implementation;
- f) Evaluate and appraise all regional and interregional infrastructure development plans and programs as to their feasibility and consistency with approved strategies and long and medium-term plans;
- g) Initiate regular Department-wide planning exercises and act as the secretariat thereof;
- h) Gather, analyze, and organize needed statistical data and information;
- i) Provide technical assistance related to its functions to the other Services and Regional Offices as needed; and
- j) Perform such other related duties and responsibilities as may be assigned or delegated by the Secretary or as may be required by law.

Sec. 19. *Regulatory and Financial Assistance Services.* — The Regulatory and Financial Assistance Services is hereby created to provide the Department with services on all legal affairs, compliance of attached government corporations, LWDs, RWSAs, cooperatives, and other associations, including private entities under contractual or concession arrangement with them, and other private water service providers on the established standards, rules and regulations relating to: water quality; infrastructure and facilities design and construction; equipment, materials and supplies; operations and maintenance; personnel; organization; accounting; tariffs; and other matters subject to regulation. It shall also provide the Department services on the management of the financial assistance available and granted to LWDs and RWSAs. For this purpose, it shall have the following functions:

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

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

- 30 a) Undertake and evaluate the planning, design, construction, and works
31 supervision functions of the Department for the abovementioned infrastructure
32 within the region;

- 1 b) Undertake the maintenance of the abovementioned infrastructure within the
2 region and supervise the maintenance of such local infrastructure receiving
3 national government financial assistance as the Secretary may determine;
- 4 c) Ensure the implementation of laws, policies, programs, rules and regulations
5 regarding the abovementioned infrastructure as well as public and private
6 physical structures;
- 7 d) Provide technical assistance related to their functions to other agencies within
8 the region;
- 9 e) Coordinate with other departments, agencies, institutions, and organizations
10 within the region, in the planning and implementation of infrastructure projects;
- 11 f) Conduct continuing consultations with the local communicates, take
12 appropriate measures to make the services of the Department responsive to
13 the needs of the general public, compile and submit such information to the
14 central office, and recommend such appropriate actions as may be necessary;
15 and
- 16 g) 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. 21. Regional Director.* — Each Regional Office shall be headed by a
19 Regional Director who shall be responsible for efficiently and effectively carrying out
20 the duties and responsibilities of the Regional Office. She/he shall also perform such
21 other related duties and responsibilities as may be assigned or delegated by the
22 Secretary or as may be required by law.

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

27 CHAPTER III

28 TRANSITORY PROVISIONS

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

- 31 a) The Department of Environment and Natural Resources (DENR) shall continue
32 to have the primary authority and responsibility for protecting the environment

1 and for the conservation of water and related natural resources, including
2 protecting water bodies from waste and pollution and shall promulgate rules,
3 regulates, and standards in this regard. The Department shall coordinate with
4 the DENR with respect to the conservation of water resources, protection from
5 sewage and septage waste, and restoration from environment damage.

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

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

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

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

1 The transfer of powers and functions in Sections 22 and 23 above, as
2 applicable, as herein provided for, shall take effect within one hundred eighty (180)
3 days after the effectivity of this Act. The foregoing transfer of powers and functions
4 shall include all applicable funds, personnel, records, property, and equipment, as may
5 be necessary. All offices shall continue to function under their present mandates until
6 transition is completed as provided for under this Act.

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

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

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

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

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

24 *Sec. 26. Implementing Rules and Regulations.* — Within one hundred eighty
25 (180) days after its organization as provided under Sec. 4 of this Act, the Department,
26 in consultation with the concerned government agencies, shall promulgate the
27 necessary rules and regulations for the implementation of this Act. The implementing
28 rules and regulations shall only take effect 15 days following its publication in the
29 Official Gazette or at least one (1) newspaper of general circulation.

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

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

Sec. 29. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or at least two (2) newspapers of general circulation.

Approved,