EXPLANATORY NOTE

In 2015, the World Resources Institute issued a warning that the Philippines is vulnerable to severe water shortage in the coming years because of the combined impact of its rapid population growth and the effects of climate change. The water shortage is further aggravated by the fragmented and overlapping functions of water agencies in the country. The enactment of a feasible long-term solution for the protection of water is necessary to combat this threat.

This bill seeks to rationalize the management of water resources, sewage, and sanitation through the creation of the Department of Water Resources and Services. It shall set the policy for the preservation of water resources in the country, regulate its supply to ensure optimal use and devise ways and means for the long-term safety, protection and preservation of this very important natural resource. It will likewise manage sanitation and the services for the sewerages or drainage. It is also responsible for the building, maintaining and monitoring of water-related infrastructure to ensure quality, accessible and potable water; promoting and pushing for the adoption of acceptable international policies and best practices in water management to achieve universal access to safe water and sanitation.

A study by the World Water Organization shows that water supply in the Philippines is diminishing. The availability of affordable and safe drinking water and a working sanitation system is a basic necessity for all Filipinos which must be addressed. The lack of a holistic program for water resources management creates a perennial problem that seriously affects the lives of our citizens in terms of health, sanitation, food security and livelihood, which are indispensable for social and economic development.

To ensure Filipinos the benefit of this fundamental human right, the immediate approval of this bill is earnestly sought.

REP. ESTRELLITA B. SUANSING  
1st District, Nueva Ecija

REP. HORACIO P. SUANSING, JR.  
2nd District, Sultan Kudarat
Republic of the Philippines
House of Representatives
Quezon City

Eighteenth Congress
First Regular Session

House Bill No. 0193

Introduced by Representatives
Estrellita B. Suansing and Horacio P. Suansing, Jr.

AN ACT
CREATING THE DEPARTMENT OF WATER RESOURCES AND SERVICES
AND APPROPRIATING FUNDS THEREFOR

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

CHAPTER I
GENERAL PROVISIONS

SECTION 1. Short Title. – This Act shall be known as the “Water Resources
Management and Rationalization Act.”

SEC. 2. Declaration of Policy. – The State shall promote and protect the
right of the people to safe, clean and affordable water as a basic human right.
Further, the State recognizes that safe, clean and affordable drinking water
and proper sanitation are essential to the full enjoyment by the people of life
and the protection and sustainability of the environment. Towards this end,
the State shall ensure that people have access to safe, clean and affordable
drinking water and proper sanitation services and facilities.

In pursuit of this policy, the objectives of this Act are as follows:

a) Establish the basic principles and framework relating to the
appropriation, control and conservation of water resources to achieve their
optimum development and national utilization;

b) Implement programs for the attainment of universal access to
safe, adequate, affordable, and sustainable water supply and sanitation
services for all Filipinos, and adopt all necessary measures directed towards
this end;

c) Promote international participation in the education and sharing
of information to achieve universal access to water and sanitation, and the
integration of water, energy, environment, and food security;
d) Strengthen and coordinate water resource planning and policy-making to ensure sustainable and fair allocation and efficient use of water resources between competing water uses and users, including domestic and municipal use, irrigation, power generation, farming, fisheries, commercial and industrial use;

e) Strengthen and coordinate policy and planning in relation to flood control and flood risk management in order to plan, prevent, and reduce the detrimental and catastrophic effects of flood waters;

f) Secure and regulate all public works in order to obtain the highest efficiency and the most appropriate quality in construction and to plan, design, construct and maintain infrastructure facilities in accordance with national development objectives; and

g) Ensure the effective implementation of Republic Act No. 9275 otherwise known as the “Philippine Clean Water Act of 2004.”

CHAPTER II

ORGANIZATION

SEC. 3. Department of Water Resources and Services. – There is hereby established a Department of Water Resources and Services, hereinafter referred to as the Department, to manage, control and protect water resources for domestic purposes, sanitation, irrigation, hydropower, fisheries, aquaculture, flood control, recreation, and for the enhancement and maintenance of water quality.

The following agencies or corporate entities are hereby transferred to the Department from the authority of their current mother agencies or offices:

a) The National Water Resources Board (NWRB), which is currently under the Department of Environment and Natural Resources (DENR);

b) The Local Water Utilities Administration, which is currently under the Office of the President;

c) The National Irrigation Administration, which is currently under the Office of the President; and

d) All other government agencies or offices that supervise/manage inland water bodies such as the Laguna Lake Development Authority and the Pasig River Rehabilitation Commission, among others.

Likewise, the Department shall be responsible for the enforcement functions of Republic Act No. 9275, otherwise known as the Philippine Clean Water Act of 2004, as well as all the other water management functions of the
Environmental Management Bureau of the DENR.

The Department shall be organized within one hundred eighty (180) days after the approval of this Act.

SEC. 4. **Powers and Duties of the Department.** – The Department shall exercise the following powers and duties:

a) Formulate and develop policies to promote universal access to safe, adequate, affordable and sustainable water supply, and sanitation services;

b) Manage and protect the 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;

c) Manage the ownership, appropriation, utilization, exploitation, development, conservation and protection of water resources;

d) Formulate and enforce rules and regulations in the administration and management of the water resources and implement rules and guidelines for the enforcement of the laws on water;

e) Coordinate with relevant entities to provide policy directions, strategies and targets to meet the goals and objectives of water supply, and sanitation management by integrating the issues of safe water and sanitation;

f) Conduct continuing surveys and studies of 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 masterplans for water resources management and development;

g) 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 region;

h) Classify water quality standards for surface and ground water, including establishing national standards for drinking water and wastewater;

i) Effect inter-sectoral, inter-agency, and inter-departmental
planning, data gathering, research and developmental studies on safe water and sanitation and compel submissions of statistic and data on water management with the aim of operationalizing the integrated approach to water resources management;

j) Regulate and control the utilization, exploitation, abstraction, diversion and development of water resources, taking into consideration its equitable distribution, and determine the standards of beneficial and priority uses of water in times of crisis and national emergencies;

k) 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 short-term and long-term strategic development plans and actions;

l) Coordinate with other relevant agencies and develop policies and plans in respect of water resources used for farming, including sustainable mechanisms for irrigation;

m) Study all plans, programs, or development projects, that affect water resources, its diversion or abstraction, and the construction of hydraulic facilities, including plans and projects in watershed or basin areas of water supply sources, which have direct or indirect impact on the affected locality’s water resources;

n) Review from time to time regulations prescribed by any government agency pertaining to water use, exploitation, development, conservation, or protection of waters, water resources and watershed or basin areas;

o) Authorize its representatives or any deputized agent to enter any property of public dominion or any private land, building or enclave, whether inhabited or not, for the purpose of conducting hydrologic surveys and investigations, including assessing and evaluating the conditions of water facilities installed and determining compliance with water laws and standards;

p) Require local government units (LGUs) and national agencies to submit zoning and land use management plans to ensure the integration of water resource management plans. No zoning and land use plan shall become effective and enforceable unless and until a certification of integration of water, and sanitation resource management plan has been issued by the Department;

q) Provide technical assistance to water, sewer and sanitation users,
including farmers and LGUs, whether directly or in coordination with other agencies, to assist them in applying for water permits and providing data on water and sanitation resource usage;
	r) Provide integrated planning for flood control, flood risk management and water resource development and management systems, and other public works;

s) Issue and promulgate rules, regulations and guidelines as may be necessary to implement and enforce its powers and functions under this Act;

t) Appoint, hire and maintain adequate staff and personnel, advisers or consultants with suitable qualifications and experience, as maybe necessary;

u) Exercise such other powers and functions necessary or incidental or that which the President may assign to the Department to carry out the objectives of this Act and for the effective administration and management of water and sanitation;

SEC. 5. **Department Secretary, Powers and Functions.** – 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, hereinafter referred to as the Secretary, who shall be appointed by the President of the Philippines.

The Secretary shall exercise the following powers and functions:

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; and

c) Promulgate rules and regulations necessary to carry out the objectives, policies and functions of the Department.

No person shall be appointed Secretary unless the appointee possesses extensive knowledge of public administration and has a minimum ten (10) years of experience in the administration of water resources or sanitation programs, preferably in a public agency.

SEC. 6. **Office of the Secretary.** – The Office of the Secretary shall be composed of the Secretary and immediate staff.
SEC. 7. **Undersecretaries.** – The Secretary shall be assisted by not more than three (3) Undersecretaries, who shall be appointed by the President upon the recommendation of the Secretary. The Secretary is hereby authorized to delineate and assign the respective functional areas of responsibility of the Undersecretaries with respect to the mandate and objectives of the Department.

Within the 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 assigned units for which the Undersecretary is responsible to the Secretary; and

c) Perform such other duties and responsibilities as may be assigned or delegated by the Secretary to promote efficiency and effectiveness in the delivery of public services or as may be required by this Act or other laws.

The Undersecretaries must possess a working knowledge of public administration and must have a minimum of seven (7) years of experience in the administration of water or sanitation programs, preferably in a public agency or with legal or financial knowledge of such programs.

The Undersecretaries shall exercise the powers and functions as provided under Section 10, Chapter 2, Book IV of the Administrative Code of 1987.

SEC. 8. **Assistant Secretaries.** – The Secretary shall also be assisted by five (5) Assistant Secretaries appointed by the President of the Philippines upon the recommendation of the Secretary: one (1) for the Monitoring and Information Service; one (1) for the Planning Service; one (1) for the Comptrollership and Financial Management Service; one (1) for the Legal Service; and one (1) for the Administrative and Manpower Management Service.

The Assistant Secretaries must possess a working knowledge of public administration and must have a minimum of five (5) years of experience in the administration of water or sanitation programs, or other public works programs.

The Assistant Secretaries shall perform such duties and functions as may be assigned by the Secretary or provided for by law.

SEC. 9. **Organizational Structure.** – The Department shall be composed of
the following organizational units:

a) Department proper consisting of the Office of the Secretary, the Offices of the Undersecretaries and Assistant Secretaries, the Administrative and Human Resource Management Service, Monitoring and Information Service, Planning Service, Comptrollership and Financial Management Service and Legal Service;

b) The National Water Resources Board, whose mandate, powers and functions are found in Presidential Decree No. 424, as amended;

c) The Local Water Utilities Administration, whose mandate, powers and functions are defined in Presidential Decree No. 198, as amended;

d) The National Irrigation Administration, whose mandate, power and functions are stated in Republic Act No. 3601, as amended and Presidential Decree No. 552, as amended;

e) The Water Management Bureau, which is tasked to enforce and implement Republic Act No. 9275 and all environmental laws related to water management and conservation; and

f) Regional offices, as deemed appropriate and necessary by the Secretary.

SEC. 10. Administrative and Manpower Management Service. – The Administrative and Manpower Management Service of the Department is responsible for providing the Department with services relating to human resources development, personnel, records, facilities maintenance, medical and dental, security, and property and procurement services. For such purposes, it shall have the following functions:

a) Advise the Secretary on all matters relating to internal administration and human resources management;

b) Prepare and implement an integrated personnel plan that includes provisions on merit promotions, performance evaluation, job rotation, suggestions and incentive awards systems, and health and welfare services;

c) Provide services related to human resources training, education and development, including manpower, career planning and forecasting, and development of indigenous training materials;

d) 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;

e) 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;
   f) Coordinate with the appropriate government agencies for a more efficient conduct of administrative processes;
   g) Develop, establish, and maintain an efficient records system;
   h) Provide assistance in its area of specialization to the Department proper, bureaus, and regional offices and, when requested, the government agencies and corporations attached to the Department; and
   i) Perform such other related duties and responsibilities as may be assigned or delegated by the Secretary or as may be required by law.

SEC. 11. **Monitoring and Information Service.** – The Monitoring and Information Service is responsible for providing the Secretary timely reports on the status of various Department projects and activities and develop and implement information programs for mass dissemination in coordination with the appropriate government agencies.

   The Monitoring and Information Service shall have the following functions:

   a) Advise the Secretary on all matters relating to monitoring and public information;
   b) Develop and maintain a system for retrieving and processing monitoring information on all projects and activities of concern to the Secretary;
   c) Provide accurate and timely status and exception reports to the Secretary;
   d) Generate monitoring reports for the President, the Cabinet, or for any other purpose as required by the Secretary;
   e) Develop and supervise the implementation of communications programs to have relevant policies, programs, and plans of the Department understood by the public;
   f) Produce and supervise the dissemination of media materials in line with national government public information programs;
   g) Coordinate with the appropriate national government agencies tasked with public information affairs; and
   h) Perform such other related duties and responsibilities as may be assigned or delegated by the Secretary or as may be required by law.

SEC. 12. **Planning Service.** – The Planning Service is responsible for providing the Department with the capability to undertake infrastructure development planning and programming. For this purpose, it shall have the following functions:

   a) Advise the Secretary on all matters relating to infrastructure
planning;
    b) Assist the Undersecretaries on all matters related to the specific functions of the position;
    c) Formulate strategies and priorities for infrastructure development consistent with national development objectives and initiate or undertake relevant surveys for development planning;
    d) Formulate 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 these water development plans;
    e) Identify 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 thereof;
    f) Prioritize project implementation and the allocation of funds and other resources and package project proposals for funding and implementation;
    g) Evaluate and appraise all regional interregional infrastructure development plans and programs as to their feasibility and consistency with approved strategies and long and medium-term plans;
    h) Initiate regular Department-wide planning exercises and act as the secretariat thereof;
    i) Gather, analyze and organize needed statistical data and information;
    j) Provide technical assistance related to its functions to the other services, bureaus and the regional offices as needed; and
    k) Perform such other related duties and responsibilities as may be assigned or delegated by the Secretary or as may be required by law.

SEC. 13. Comptrollership and Financial Management Service. – The Comptrollership and Financial Management Service is responsible for providing the Department with coordinated services relating to financial systems and procedures, budget, cash, accounting and all financial housekeeping matters. For such purposes, it shall have the following functions:

    a) Advise the Secretary on all matters relating to the accounting of government expenditures and receipts, budgeting and cash management, project finances, and financial systems and procedures;
    b) Prepare budget proposals and pursue formal budget authorizations, undertake budget execution, and prepare and submit all appropriate reports to the proper offices;
c) Develop and maintain accounting, financial and assets management systems, procedures and practices in the Department proper, bureaus, and regional offices;
d) Provide assistance in its area of specialization to any unit of the Department and, when requested, to government corporations and councils attached to the Department; and
e) Review and appraise systems and procedures, organizational structure, assets management practices, accounting and other records, reports and performance standards such as budgets and standard costs of the Department proper, bureaus, and regional offices;
f) Perform such other related duties and responsibilities as may be assigned or delegated by the Secretary or as may be required by law.

SEC. 14. Legal Service. — The Legal Service is responsible for providing the Department with services on such legal affairs as contract letting and litigation, legal and legislative research, complaints and investigation, legal counseling, and other matters of law. For such purposes, it shall have the following functions:

a) Advise the Secretary on all matters relating to legal affairs;
b) Prepare Department contracts and legal instruments, review and interpret all contracts and agreements entered into by the Department, and evaluate all legal proposals;
c) Conduct administrative investigation as well as the review of administrative charges against officers and employees of the Department;
d) Exercise functional jurisdiction over the legal staffs of regional offices;
e) Provide legal assistance to the Department proper, the bureaus, and regional offices and, when requested, the attached corporations; and
f) Perform such other related duties and responsibilities as may be assigned or delegated by the Secretary or as may be required by law.

SEC. 15. Regional Office. — Regional offices shall be responsible for flood control, water resource development systems and other public works within their regional jurisdiction. For this purpose, their duties and responsibilities shall be as follows:

a) Undertake and evaluate the planning, design, construction and works supervision functions of the Department for the infrastructure projects within the region;
b) Undertake the maintenance of the infrastructure within the region and supervise the maintenance of such local infrastructure receiving national government financial assistance as the Secretary may determine;
c) Ensure the implementation of laws, policies, programs, rules and
regulations regarding the infrastructure as well as all public and private
physical structures;

d) Provide technical assistance related to their functions to other
agencies within the region especially the local government;

e) Coordinate with other departments, agencies, institutions and
organizations, especially local government units within the region, in the
planning and implementation of infrastructure projects;

f) Conduct continuing consultations with the local communities,
take appropriate measures to make the services of the Department responsive
to the needs of the general public, compile and submit such information to
the central office, and recommend such appropriate actions as may be
necessary; and

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

The Department shall retain and have such project management offices
as may be required, which shall be under the supervision and control of the
appropriate regional director, unless otherwise determined by the Secretary
for reasons of supra-regional scope, magnitude and multi-functional
coverage.

SEC. 16. **Regional Director.** – The regional office shall be headed by a
regional director who shall be responsible for efficiently and effectively
carrying out the duties and responsibilities of the regional office. Towards
this end, the regional director shall, within the defined powers, exercise
functional and administrative supervision over district offices within the
region including the authority to commit their resources and personnel to
integrated regional water management and flood control and flood risk
management initiatives. The regional director shall also perform such other
related duties and responsibilities as may be assigned or delegated by the
Secretary or as may be required by law.

The regional director shall be assisted by one (1) assistant regional
director who shall exercise supervision the planning, project design,
evaluation and technical assistance functions of the regional office.

**CHAPTER III**

**TRANSITORY PROVISIONS**

SEC. 17. **Interface with Other Sector Regulators.** –

a) The Department of Environment and Natural Resources (DENR)
shall continue to have the primary authority and responsibility for protecting
the environment and shall complement the Department’s responsibility for
the conservation of water and related natural resources, including protecting
water bodies from waste and pollution. It shall continue to promulgate rules,
regulations, and standards in this regard. The Department shall coordinate
with the DENR with respect to the conservation of water resources.
b) The Department of Health (DOH) shall have primary authority
and responsibility for determining and enforcing drinking water quality and
sanitation standards. The Department shall coordinate with the DOH to
achieve an integrated approach for sanitation, including collection, treatment,
and evaluation of wastewater.
c) The Department shall share responsibility with the Department
of Public Works and Highways for wholly or primarily water-related public
works projects including flood control, water resources development,
sewerage, sanitation, and the harnessing and impounding of water. The
Secretaries of each department shall coordinate on the development of
evaluation criteria, as necessary, to determine proper allocation of public
works projects between the two departments.
d) The Department shall coordinate with the Department of
Agriculture to ensure agricultural development that reduces sources of long
term pollution for surface water and groundwater, and agricultural and
industrial economic development through irrigation, water recycling and
treating wastewater.

SEC. 18. Transfer of Rights and Obligations. – The Department shall, by
virtue of this Act, be subrogated to all the rights, and assume all the
obligations of the relevant parts of any government agency or unit whose
powers and functions have been transferred to the Department.

The transfer of powers and functions as indicated in the preceding
paragraph, as applicable, and agencies attached thereto, as herein provided
for, shall take effect within one hundred eighty (180) days after the effectivity
of this Act. The foregoing transfer of powers and functions shall include all
applicable funds, personnel, records, property, and equipment, as may be
necessary. All offices shall continue to function under their present mandates
until transition is effected as provided for under this Act.

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

SEC. 19. Separation from Service. – Employees separated from government
service as a result of this Act shall, within six (6) months from their separation
from the service, receive the benefits to which they may be entitled under
existing laws, rules, and regulations.
SEC. 20. **Funding.** – The sum of One hundred million pesos (P100,000,000.00) shall be set aside from any available funds of the National Treasury, and is hereby appropriated and authorized to be released, for the organization of the Department and its initial operations.

Thereafter, funds sufficient to fully carry out the objectives, powers and functions of the Department shall be included in the annual General Appropriations Act.

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

SEC. 21. **Periodic Performance Evaluation.** – The Department is hereby required to formulate and enforce a system of measuring and evaluating periodically and objectively the performance of the Department and submit the same annually to the President.

SEC. 22. **Prohibition Against Organizational Change.** – No change in the organizational structure herein prescribed shall be valid except upon prior approval of the President for the purpose of promoting efficiency and effectiveness in the delivery of public services.

SEC. 23. **Separability Clause.** – If any provision of this Act is declared unconstitutional or invalid, the remaining parts or provisions not affected shall remain in full force and effect.

SEC. 24. **Repealing Clause.** – All laws, presidential decrees, letters of instructions, executive orders, rules, regulations, and other issuances or parts thereof which are contrary to or inconsistent with the provisions of this Act are hereby revoked, repealed, amended or modified accordingly.

Accordingly, sub-sections 4(i) and 4(ee) of Republic Act No. 9275, entitled “Philippine Clean Water Act of 2004,” Section 1 of Executive Order No. 860, entitled “Redefining the Composition and Powers of the National Water Resources Board,” Series of 2010, Section 49 of Presidential Decree No. 198, entitled “Declaring a National Policy Favoring Local Operation and Control of Water Systems; Authorizing the Formation of Local Water Districts and Providing for the Government and Administration of such Districts; Chartering a National Administration to Facilitate Improvement of Local Water Utilities; Granting said Administration such Powers as are Necessary to Optimize Public Service from Water Utility Operations, and For Other Purposes,” as amended, and Executive Order No. 165, entitled “Transferring the National Food Authority, National Irrigation Administration, Philippine Coconut Authority, and Fertilizer and Pesticides Authority to the Office of the President,” Series of 2014,
1 are hereby amended or modified accordingly to be consistent with this Act.

2 SEC. 25. **Effectivity.** – This Act shall take effect fifteen (15) days after its
3 publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,