AN ACT ENSURING SAFE DRINKING WATER, AMENDING FOR THE PURPOSE PRESIDENTIAL DEGREE NO. 856, OTHERWISE KNOWN AS THE CODE ON SANITATION OF THE PHILIPPINES AND FOR OTHER PURPOSES

EXPLANATORY NOTE

The Philippines is blessed with copious amount of water with a total annual renewable water resources of 479 billion cubic meters (m³) from its surface water and groundwater sources. This translates into an annual per capita availability of about 6,100 m³, which is twice that of the rest of Asia, and six times the global scarcity threshold of 1,000 m³.¹

Ironically, however, as of 2017, around 8.5 million Filipinos still have no access to clean drinking water, and have to rely on unimproved, unsafe and unsustainable water sources, according to the National Water Resource Board.

Aside from access to clean water, water contamination remains a pressing issue, with heavy inorganic pollutants present in drinking water sources. According to

environmental organization Greenpeace, five out of 18 artesian wells in Benguet and Bulacan were found to contain nitrate levels well above the safety limit set by the World Health Organization. Inorganic contaminants such as nitrate may cause serious health problems to the population, and may even lead to death. For example, in 2011, 11 people from Barangay Valencia, Cebu died due to typhoid fever after drinking water from unsafe water sources.

Thus, prolonged inaction on this issue may lead to a rise in foodborne and waterborne diseases. According to Elizabeth Dowdeswell, the Executive Director of the United Nations Environment Program, “an estimated one-half of people in developing countries are suffering from diseases caused either directly by infection through the consumption of contaminated water or food, or indirectly by disease-carrying organisms such as mosquitoes, that breed in water.” In the case of the Philippines, 50% of typhoid cases are due to water pollution, sanitation conditions and hygiene practices. In fact, from January to April 2018 alone, the Department of Health recorded 5,455 cases of typhoid fever that resulted in 10 reported cases of death.

Given this, it is imperative that the State play an active role in ensuring all Filipinos have safe and potable drinking water by implementing a comprehensive management program on water safety planning, including water quality surveillance, adoption of risk management strategies for the protection of water supply systems, and the use of appropriate tools and instruments to properly monitor and enforce quality drinking water standards. This bill seeks to amend the existing provisions of the Sanitation Code of the Philippines on water supply. Among others, it requires the physical, bacteriological and general systematic chemical and over-all examination of water quality every two months. The result of such testing must be submitted to the Department of Health (DOH) for appropriate action and to the consumers so that they will be properly apprised of the quality of the water they are consuming.

This bill also requires all water service providers to prepare a water safety plan, and submit the same to the DOH for approval. They shall also furnish their customers

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3 Id.
4 Id.
5 Id.
an annual consumer confidence report which must include information regarding their current treatment techniques, monitoring procedures, and level of contaminants in the water system, among others.

The immediate passage of this bill is earnestly sought.

HON. EDUARDO “BRO. EDDIE” C. VILLANUEVA

HON. DOMINGO C. RIVERA
Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
First Regular Session

House Bill No. 6022

Introduced by CIBAC Party-List Representatives
Eduardo "Bro. Eddie" C. Villanueva and Domingo C. Rivera

AN ACT ENSURING SAFE DRINKING WATER,
AMENDING FOR THE PURPOSE PRESIDENTIAL DECREE NO. 856,
OTHERWISE KNOWN AS THE CODE ON SANITATION OF THE
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Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

SECTION 1. Short Title. — This Act shall be known as the "Safe Drinking Water Act."

SECTION 2. Declaration of Policy. — The State shall pursue a policy of ensuring the health of the Filipino people through the provision of safe drinking water. Towards this end, the State shall promote the use of appropriate tools and instruments and control mechanisms and adopt risk management strategies for the protection of the entire water supply system against contamination that will adversely affect human health. The State shall also implement a comprehensive management program on water safety planning including water quality surveillance that ensures the safety of drinking water in all settings and ensure compliance with national standards for drinking water and other environmental laws affecting drinking water quality.

SECTION 3. Section 11 of Presidential Decree No. 856 is hereby amended to read as follows:

Section 11. Types of Water Examinations Required

The following examinations are required for drinking water:
(a) Initial examination. The physical, chemical and bacteriological examinations of water from newly constructed systems or sources are required before they are operated and opened for public use. Examination of water for possible radioactive contamination should also be done initially.

(b) Periodic examination. Water from existing sources is subject to PHYSICAL, CHEMICAL, bacteriological AND OVER-ALL QUALITY examination as often as possible but the interval shall not be longer than [six] TWO months, [while general systematic chemical examination shall be conducted every 12 months or oftener. Examination of water sources shall be conducted yearly for possible radioactive contamination,] UNLESS OTHERWISE REQUIRED BY THE DEPARTMENT THROUGH APPROPRIATE REGULATIONS; PROVIDED, THAT NOTHING HEREIN SHALL RESTRICT THE DEPARTMENT FROM CONDUCTING RANDOM WATER QUALITY EXAMINATION AS OFTEN AS IT MAY DEEM NECESSARY AND PROPER.

SECTION 4. New Section 11-A and Section 11-B of Presidential Decree No. 856 are hereby inserted to read as follows:

SECTION 11-A. PERMITS REQUIRED

DRINKING WATER SERVICE PROVIDERS, WATER LABORATORIES AND OTHER ESTABLISHMENTS WITH DRINKING WATER SYSTEMS CATERING TO THE PUBLIC SHALL BE REGISTERED WITH THE DEPARTMENT. FOR THIS PURPOSE, THE FOLLOWING PERMITS SHALL BE SECURED FROM THE DEPARTMENT OR LOCAL HEALTH AUTHORITIES, AS THE CASE MAY BE:

a) CERTIFICATE OF POTABILITY OF DRINKING WATER TO OBTAINED BY DRINKING WATER SERVICE PROVIDERS;

b) CERTIFICATE OF ACCREDITATION TO BE OBTAINED BY ALL WATER LABORATORIES AND TRAINING INSTITUTIONS THAT SHALL PARTICIPATE IN THE DRINKING WATER SAFETY PROGRAM;

c) CERTIFICATE OF PRODUCT REGISTRATION OF WATER SUPPLY MATERIALS, APPURTENANCES, TREATMENT TECHNOLOGIES OR DEVICES TO BE OBTAINED BY ALL ENTITIES ENGAGED IN THE PROVISION OF DRINKING WATER SUPPLY TO THE PUBLIC;

d) CERTIFICATE OF PROFICIENCY TO BE OBTAINED BY ALL INDIVIDUALS WHO WILL CONDUCT CAPACITY BUILDING ACTIVITIES ON WATER QUALITY ANALYSIS, WATER QUALITY TREATMENT, WATER QUALITY MONITORING AND WATER SAFETY PLANNING FROM THE DEPARTMENT;

e) CERTIFICATE OF WATER SAFETY PLAN ACCEPTANCE;

f) DRINKING WATER SITE CLEARANCE TO BE OBTAINED BY ALL PERSONS OR ENTITIES INTENDING TO DEVELOP A DRINKING
WATER SYSTEM FOR PUBLIC CONSUMPTION; PROVIDED, THAT NO DRINKING WATER SYSTEM SHALL BE INSTALLED AND OPERATED WITHOUT SUCH CLEARANCE;

**g**) OPERATIONAL PERMIT, WHICH MUST BE OBTAINED BEFORE USING A DRINKING WATER SYSTEM;

**h**) SANITARY CLEARANCE FOR ALL WATER DELIVERY VEHICLES, MOBILE WATER TANKERS AND SIMILAR VEHICLES, INCLUDING ITS APPUR Tenances.

COVERED ESTABLISHMENTS SHALL ALSO REGISTER PORTABLE WATER TEST KITS AND WATER TREATMENT TECHNOLOGY OR DEVICES WITH THE DEPARTMENT.

**SECTION 11-B. WATER SAFETY PLAN**

WITHIN ONE (1) YEAR FROM THE EFFECTIVITY OF THIS ACT, ALL DRINKING WATER SERVICE PROVIDERS SHALL DEVELOP WATER SAFETY PLANS FOR THEIR WATER SUPPLY SYSTEMS, AND ENSURE ITS IMPLEMENTATION AFTER ITS APPROVAL. AN APPROVED WATER SAFETY PLAN SHALL BE VALID FOR THREE YEARS, UNLESS SUSPENDED OR SOONER REVOKED BY THE DEPARTMENT.

FOR THIS PURPOSE, THE DEPARTMENT SHALL DEVELOP TOOLS, STANDARDS AND GUIDELINES FOR WATER SAFETY PLAN PROCESSES AND SUPPORT SERVICES.

**SECTION 5.** Section 12 of Presidential Decree No. 856 is hereby amended to read as follows:

**Section 12.** Examining Laboratories and Submission of Water Samples

The examination of drinking water shall be performed only in private or government laboratories duly accredited by the Department. THE DEPARTMENT SHALL PRESCRIBE APPROPRIATE GUIDELINES WITH RESPECT TO THE CONDUCT, MANNER AND MEASURES REQUIRED FOR THE EXAMINATION OF DRINKING WATER QUALITY.

It is the responsibility of operators of water systems to submit to accredited laboratories water samples for examination in a manner and at such intervals prescribed UNDER SECTION 11 OF THIS ACT OR by the Department THROUGH APPROPRIATE REGULATIONS.

THE RESULTS OF SUCH MONITORING SHALL BE SUBMITTED TO THE DEPARTMENT FOR APPROPRIATE ACTION, AND TO THE CONSUMERS CONCERNED. THE SAME SHALL ALSO BE POSTED CONSPICUOUSLY IN THE ESTABLISHMENT.
IN THE EVENT THAT THE ESTABLISHMENT FAILS TO COMPLY WITH AN
APPLICABLE MAXIMUM CONTAMINANT LEVEL, OR FAILS TO COMPLY
WITH THE TREATMENT TECHNIQUE REQUIRED BY THE DEPARTMENT,
OR FAILS TO PERFORM SUCH MONITORING, THE DEPARTMENT SHALL
BE AUTHORIZED TO ORDER THE IMMEDIATE SUSPENSION OF THE
OPERATIONS OF THE ESTABLISHMENT OR TAKE OTHER STEPS AS MAY
BE NECESSARY TO ENSURE THE SAFETY OF DRINKING WATER.

THE DEPARTMENT SHALL PROMPTLY NOTIFY THE PUBLIC OF SUCH
OCURRENCE, AT THE EXPENSE OF THE CONCERNED
ESTABLISHMENT. THE NOTICE SHALL CONSIST OF, BUT NOT LIMITED
TO, THE FOLLOWING:

a) NATURE OF THE VIOLATION;
b) CONTAMINANT LEVEL OF WATER SUPPLY;
c) POTENTIAL HEALTH EFFECTS TO THE POPULATION;
d) POPULATION AT RISK;
e) STEPS BEING TAKEN TO CORRECT VIOLATION;
f) TELEPHONE NUMBER OR CONTACT NUMBER OF THE OWNER,
OPERATOR OR DESIGNEE OF THE PUBLIC WATER SYSTEM;
g) NECESSITY OF SEEKING ALTERNATIVE WATER SUPPLIES; AND
h) PREVENTIVE MEASURES THAT SHALL BE TAKEN BY CONSUMERS
UNTIL THE VIOLATION IS CORRECTED.

SECTION 6. A new Section 12-A is hereby inserted to read as follows:

SECTION 12-A. CONSUMER CONFIDENCE REPORT

A DRINKING WATER SERVICE PROVIDER SHALL FURNISH ITS
CUSTOMERS AN ANNUAL REPORT ON THE QUALITY OF THE DRINKING
WATER IT PROVIDES AND THE CONTAMINANTS, IF ANY, FOUND
THEREIN.

THE ANNUAL REPORT SHALL INCLUDE, BUT NOT BE LIMITED TO, THE
FOLLOWING:

a) INFORMATION ON THE SOURCE OF THE WATER DISTRIBUTED;
b) ENUMERATION OF PRIMARY PARAMETERS INDICATED BY THE
PHILIPPINE NATIONAL STANDARDS FOR DRINKING WATER
(PNSDW);
c) MAXIMUM CONTAMINANT LEVEL INDICATED BY PNSDW;
d) CURRENT TREATMENT TECHNIQUES UTILIZED BY THE DRINKING WATER SERVICE PROVIDER;

e) MONITORING PROCEDURES UTILIZED BY THE DRINKING WATER SERVICE PROVIDER;

f) LEVEL OF CONTAMINANT IN THE WATER SYSTEM WITHIN THE YEAR;

g) ANY CONTAMINANT FOR WHICH THERE HAS BEEN A VIOLATION OF THE MAXIMUM CONTAMINANT LEVEL DURING THE YEAR CONCERNED, AND A BRIEF STATEMENT IN PLAIN LANGUAGE REGARDING THE HEALTH CONCERNS THAT RESULTED IN THE REGULATION OF THE CONTAMINANT, AS PROVIDED BY THE DEPARTMENT;

h) INFORMATION ON THE LEVELS OF UNREGULATED CONTAMINANTS IDENTIFIED BY THE DEPARTMENT;

i) A STATEMENT THAT THE PRESENCE OF CONTAMINANTS IN THE DRINKING WATER DOES NOT NECESSARILY INDICATE THAT THE DRINKING WATER POSES A HEALTH RISK AND THAT MORE INFORMATION ABOUT CONTAMINANTS AND POTENTIAL HEALTH EFFECTS CAN BE OBTAINED BY CALLING THE DEPARTMENT;

j) MEASURES THAT MAY BE ADOPTED BY THE CONSUMERS TO KEEP THEIR WATER SUPPLY FREE FROM CONTAMINATION; AND

k) SUCH OTHER ADDITIONAL INFORMATION AS THE DEPARTMENT DEEMS APPROPRIATE FOR PUBLIC EDUCATION.

THE ANNUAL REPORT SHALL BE PROVIDED TO CONSUMERS EVERY TWELVE (12) MONTHS THROUGH ELECTRONIC MEDIA, HAND DELIVERY, POSTING, OR OTHER METHODS APPROVED BY THE DEPARTMENT.

SECTION 7. Penalties. – A water service provider that fails to comply with the provisions of this Act shall be liable for a fine of Fifty Thousand Pesos (Php50,000.00) for every day of continuing violation, without prejudice to any other penalties that may be imposed upon it in accordance with other relevant laws, rules and regulations.

SECTION 8. Appropriations. – The amount necessary to effectively carry out the provisions of this Act shall be included in the General Appropriations Act.

SECTION 9. Implementing Rules and Regulations. – The Department of Health, in consultation with the concerned stakeholders and relevant government agencies, shall promulgate the implementing rules and regulations for the effective implementation of this Act within ninety (90) days from the effectivity of this Act.
SECTION 10. Repealing Clause. — All laws, decrees, orders, ordinances, rules and regulations or parts thereof inconsistent with this Act are hereby repealed or modified accordingly.

SECTION 11. Separability Clause. — If any provision of this Act is declared unconstitutional or invalid, the remainder of the Act shall not be affected by such declaration.

SECTION 12. Effectivity. — This Act shall take effect fifteen (15) days from the date of its publication in the Official Gazette or in at least two (2) newspapers of general circulation.

Approved,