

SEVENTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Third Regular Session)



'19 MAR 18 P5:24

SENATE
S. No. 2216

RECEIVED

Introduced by: Senator Paolo Benigno "Bam" A. Aquino IV

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

EXPLANATORY NOTE

During the 1997 Global Forum on Water Supply and Sanitation held in Manila, the Philippine's national vision for the water supply and sanitation sector of "*a world-class, affordable and sustainable water supply, sanitation and sewerage system accessible to every Filipino,*" was conceived in accordance with the long-term vision on water, life and the environment, or World Water Vision 2025.

For the Philippines to achieve its national water vision by 2025, it is imperative upon the government to develop a comprehensive national water resources management system to fully streamline the water sector and revitalize it in terms of the efficiency and sufficiency of its service and resources.

The proposed measure thus now seeks to rationalize the water, irrigation, sewage, and sanitation resource management, including water rights, through the creation of the Department of Water, Irrigation, Sewage, and Sanitation Resource Management.

At present, the set-up for water, irrigation, sewage, and sanitation responsibilities of the government involves, among others, the following major government agencies:

- a. National Water Resources Board (NWRB), a government agency responsible for the enforcement of the Water Code of the Philippines, under the Department of Environment and Natural Resources (DENR);
- b. Local Water Utilities Administration (LWUA), a government-owned and controlled corporation (GOCC) attached to the Department of Public Works and Highways (DPWH) and has regulatory powers over:
 1. all local water districts (LWDs): and
 2. rural waterworks and sanitation associations (RWSAs) nationwide:
- c. Metropolitan Waterworks and Sewerage System (MWSS), a GOCC also attached to the DPWH, which is responsible for the water supply and sanitation in Metropolitan Manila and such contiguous areas as may be added to its area of jurisdiction, and:
- d. National Irrigation Administration (NIA), a government agency under the Office of the President primarily responsible for irrigation development and management.

With regulation and management of the said water resources currently lodged with various units and agencies of the government, there have been various challenges in the coordination and implementation of the national policies and plans on water, sewage, sanitation, and irrigation. The fragmentation among water-related agencies has resulted in a backlog in the provision of water supply and sanitation services to the public.

It must be stressed that the Philippine government's responsibility to provide safe, clean, accessible and affordable drinking water, sanitation, and irrigation service to the public is of utmost importance and it is attainable through well-coordinated, effective, efficient and sustainable management of its water and sanitation resources.

The Philippine government must also consider the rapid population growth, common waterborne diseases like diarrhea, leptospirosis, and dengue, agricultural requirements for food production, water pollution, watershed degradation, climate change, and other related factors that need to be adequately addressed without delay.

The proposed measure shall address the immediate need to create the Department of Water, Irrigation, Sewage and Sanitation Resource Management, which shall 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 but not limited to domestic and municipal use, irrigation, power generation, farming, fisheries, commercial, and industrial use.

The measure shall also prioritize and pursue the immediate attainment of universal access to safe, adequate, and sustainable water supply and sanitation services for all Filipinos and adopt all necessary measures directed towards the realization of providing a world-class, affordable and sustainable water supply, sanitation and sewerage system accessible to every Filipino.

In view of the foregoing, approval of this measure is earnestly sought.

A handwritten signature in black ink, appearing to read "Bam Aquino". The signature is written in a cursive, flowing style.

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PURPOSES

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

CHAPTER 1
GENERAL PROVISIONS

1 Section 1. *Short Title.* - This Act shall be known as the "Department of Water,
2 Irrigation, Sewage, and Sanitation Resource Management Act."

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

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

- 9 (a) To prioritize and pursue the immediate attainment of universal access to
10 safe, adequate, and sustainable water supply and sanitation services for

1 all Filipinos and adopt all necessary measures directed towards the
2 realization of the human right to water and sanitation; and

3 (b) To strengthen and coordinate water resource planning and policy-making
4 to ensure sustainable and fair allocation and efficient use of water
5 resources between competing water uses and users, including but not
6 limited to domestic and municipal use, irrigation, power generation,
7 farming, fisheries, commercial, and industrial use.

8 *Sec. 3. Definition of Terms.* - For purposes of this Act, the following terms are
9 hereby defined:

10 (a) *Department* refers to the Department of Water, Irrigation, Sewage, and
11 Sanitation Resource Management.

12 (b) *Sanitation* refers to sewage, sanitation, and septage management.

13 (c) *Sewerage* refers to any system or network of sanitary pipelines, ditches,
14 channels, or conduits including pumping stations, lift stations, and force
15 mains, service connections including other constructions, devices, or
16 appliances appurtenant thereof, which includes the collection, sanitary
17 piping transport, pumping, and treatment of water-borne human or
18 animal waste removed from residences, buildings, institutions, and
19 industrial and commercial establishments to point of sewage treatment
20 plant disposal.

21 (d) *Sewage* refers to water-carried waste in solution or suspension, including
22 sanitary waste, commercial waste, industrial waste, agricultural waste,
23 and surface runoff, conveyed by a sewerage system for treatment or
24 disposal. For purposes of this Act, the definition of septage shall be
25 included in the use of sewage.

26 (e) *Septage* refers to sludge produced on individual on-site wastewater
27 disposal systems, principally septic tanks and cesspools.

28 The terms "infrastructure" and "public works" as used in this Act should be ready
29 to apply only to wholly or primarily water-related projects and shall not be read to

1 incorporate projects which would not otherwise fall within the purview of the objectives,
2 powers, and duties of the Department.

CHAPTER II ORGANIZATION

3 *Sec. 4. The Department of Water, Irrigation, Sewage, and Sanitation Resource*
4 *Management.* – There is hereby created and established the Department of Water,
5 Irrigation, Sewage, and Sanitation Resource Management, hereinafter referred to as the
6 "Department," which shall be organized within one hundred twenty (120) days after the
7 effectivity of this Act. The Department shall be tasked with developing and
8 implementing a comprehensive water, irrigation, sewage, and sanitation program for
9 the Philippines including, but not limited to:

- 10 (a) Implementing necessary policy and resource reforms with respect to the
11 management of water, irrigation, sewage, and sanitation;
- 12 (b) Monitoring and evaluating compliance with the national goals relating to
13 water, irrigation, sewage, and sanitation;
- 14 (c) Formulating an updated national road map to address the water, sewage,
15 and sanitation requirements of the State; and
- 16 (d) Improving conservation of water and increasing system efficiencies.

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

- 19 (a) Develop policies to promote universal access to safe, adequate,
20 affordable, and sustainable water supply, irrigation, sewage, and
21 sanitation services for all Filipinos;
- 22 (b) Coordinate with relevant government agencies or entities to provide policy
23 directions, strategies, and targets to meet the goals and objectives for
24 water supply, irrigation, sewage, and sanitation. Such policies shall,

1 among other things, integrate the issues of water, irrigation, sewage,
2 energy, environment, and food security;

3 (c) Manage and protect the country's water resources to ensure the optimal
4 use thereof for domestic water supply, sewage, sanitation, irrigation,
5 hydropower, navigation, flood control, and recreation, including the
6 enhancement and maintenance of water quality, conservation of
7 watersheds, control of water pollution, and environmental restoration,
8 without compromising the natural ecosystem functions and services;

9 (d) Manage the ownership, appropriation, utilization, exploitation,
10 development, conservation, and protection of water resources and rights
11 to land related thereto and their competing demands;

12 (e) Undertake and coordinate with other agencies and government entities in
13 data gathering, scientific research, and studies on water resources
14 management and development, and conduct nationwide hydrologic
15 surveys to determine the annual renewable water available per water
16 region;

17 (f) Formulate and enforce rules and regulations in the administration and
18 management of the country's water resources and implement rules and
19 guidelines for the enforcement of water-related laws;

20 (g) Conduct continuing surveys and studies of the country's renewable water
21 supply with a view towards formulating long-term policies to balance the
22 sustainability and optimal use of water resources, defining the hydrologic
23 boundaries of basins of the existing water supply sources, and creating
24 and implementing countrywide master plans for water resources
25 management and development;

26 (h) Coordinate with and assist other government agencies in all aspects of
27 data gathering, conduct studies and research, and classify and establish
28 water quality standards for surface and ground water, including national
29 standards for drinking water and wastewater effluence, in coordination
30 with relevant agencies;

- 1 (i) Coordinate with other relevant agencies to engage in flood control and
2 flood risk management, formulate integrated water resources
3 management (IWRM) policies and plans, and coordinate the
4 implementation, promotion, revision, and enhancement of IWRM plans;
- 5 (j) Effect and compel inter-sectoral, inter-agency, and inter-departmental
6 coordination on water, irrigation, energy, environmental, sewage, and
7 sanitation resources development planning with the aim of
8 operationalizing the integrated approach to water resources management;
- 9 (k) Regulate and control the utilization, exploitation, abstraction, diversion,
10 and development of water resources, taking into account its equitable
11 distribution, and determine the standards of beneficial and priority uses of
12 water in times of crisis and national emergencies;
- 13 (l) Assist and provide the National Economic and Development Authority
14 (NEDA) with required data and inputs from and for the water sector in the
15 formulation of the country's short-term and long-term strategic
16 development plans and actions;
- 17 (m) Coordinate with other relevant government agencies and develop
18 policies and plans in respect of water resources for farming, including
19 sustainable mechanisms for irrigation;
- 20 (n) Pass upon, approve, or disapprove all plans, programs, or development
21 projects of private individuals, corporations, and government agencies,
22 whether national or local, that affect water resources, its diversion or
23 abstraction, and the construction of hydraulic facilities, including but not
24 limited to plans and projects in watershed or basin areas of water supply
25 sources, which have direct or indirect impact on the affected locality's
26 water resources;
- 27 (o) Review from time to time regulations prescribed by any government
28 agency pertaining to water use, exploitation, development, conservation,
29 or protection of waters, water resources, and watershed or basin areas;

- 1 (p) Authorize its representatives or any deputized agent to enter any property
2 of public dominion or any private land, building, or enclave, whether
3 inhabited or not, for the purpose of conducting hydrologic surveys and
4 investigations, including assessing and evaluating the conditions of water
5 facilities installed, and determining compliance with water laws and
6 standards;
- 7 (q) Require Local Government Units (LGUs) and national agencies to submit
8 zoning and land use management plans to ensure the integration of water
9 resource management plans: Provided, *That* no zoning and land use plan
10 shall become effective and enforceable unless and until a certification of
11 integration of water, sewage, and sanitation resource management plan
12 has been issued by the Department. Should the Department have serious
13 concerns affecting conservation and sustainability of water supply, such
14 concerns must first be resolved by the Department and the concerned
15 LGU and/or national agency. However, in the absence of such concerns,
16 the concerned LGU and/or government agency may, ninety (90) days
17 from the submission of its zoning and land use plan and after submitting
18 to the Department a written notice of compliance with this provision,
19 proceed with the implementation of its zoning and land use plan without
20 prejudice to later integration of the water resource management plan for
21 the locality;
- 22 (r) Provide technical assistance to water, irrigation, sewer and sanitation
23 users, whether directly or in coordination with other agencies, to assist
24 them in applying for water and irrigation permits and providing data on
25 water, irrigation, sewage, and sanitation resource usage;
- 26 (s) Plan, design, construct, and/or improve all types of irrigation projects and
27 appurtenant structures;
- 28 (t) Operate, maintain, and administer all national irrigation systems (NIS);
- 29 (u) Supervise the operation, maintenance, and repair, or otherwise,
30 administer temporarily all communal and pump irrigation systems

- 1 constructed, improved, and/or repaired wholly or partially with
2 government funds;
- 3 (v) Supervise the operation, maintenance, and repair, or otherwise,
4 administer temporarily all communal and pump irrigation systems
5 constructed, improved, and/or repaired wholly or partially with
6 government funds;
- 7 (w) Delegate the partial or full management of NIS to duly organized
8 cooperatives or associations;
- 9 (x) Construct multiple-purpose water resources projects designed primarily for
10 irrigation, and secondarily for hydraulic power development and/or other
11 uses such as flood control, drainage, land reclamation, domestic water
12 supply, roads and highway construction, and reforestation, among others;
13 Provided, *that* the plans, designs, and the construction thereof, shall be
14 undertaken in coordination with the agencies concerned;
- 15 (y) Charge and collect from the beneficiaries of the water from all irrigation
16 systems constructed under its administration;
- 17 (z) In coordination with other relevant government agencies, develop and
18 implement effective codes, standards and reasonable guidelines to ensure
19 the safety of all public and private structures in the country and assure
20 efficiency and proper quality in the construction of water, irrigation,
21 sewage, and sanitation infrastructures;
- 22 (aa) Coordinate with relevant government agencies, including the
23 Department of Environment and Natural Resources, to ensure that the
24 agencies' respective standards complement each other when taken as
25 part of a larger whole;
- 26 (bb) In coordination with other relevant agencies, ascertain that all plans and
27 project implementation designs are consistent with current standards
28 and guidelines;

- 1 (cc) Provide the works supervision function for all public works construction
2 and ensure that actual construction is done in accordance with approved
3 government plans and specifications;
- 4 (dd) Assist other government agencies, including LGUs, in determining the
5 most suitable entity to undertake the actual construction of water,
6 irrigation, sewage, and sanitation projects;
- 7 (ee) Maintain and cause to be maintained all flood control, water resource
8 development systems, irrigation systems, and other public works
9 throughout the country except those that are the responsibility of other
10 agencies as directed by the President of the Philippines or as provided
11 by law;
- 12 (ff) Provide integrated planning for flood control, flood risk management,
13 and water resource development and management systems, other
14 public works;
- 15 (gg) Issue and promulgate rules, regulations, and guidelines as may be
16 necessary to implement and enforce its powers and functions under this
17 Act;
- 18 (hh) Determine and require the monitoring and submission of such data,
19 statistics, and other information as may be necessary for the effective
20 and efficient exercise of its duties, functions, powers and responsibilities;
- 21 (ii) Respond to consumer complaints and ensure the adequate promotion of
22 consumer interests;
- 23 (jj) Deputize agents, whether from the public or private sector, to assist in
24 the performance of any of the powers and functions of the Department;
- 25 (kk) Appoint, hire, and maintain adequate staff and personnel, advisers,
26 and/or consultants, with suitable qualifications and experience, as
27 necessary;
- 28 (ll) Manage funds coursed through it under the General Appropriations Act
29 intended as financial assistance to LWDs or LGUs for the development
30 and/or improvement of water supply and sanitation facilities;

- 1 (mm) Exercise such other powers and functions necessary or incidental to
2 the effective administration and management of the country's water,
3 irrigation, sewage, and sanitation resources;
- 4 (nn) Exercise such other incidental powers and functions as may be
5 necessary to attain the objectives of this Act; and
- 6 (oo) Carry out such other functions as the President may from time to time
7 assign to the Department consistent with the aims and provisions of this
8 Act.

9 *Sec. 6 Secretary of the Department of Water, Sewage, and Sanitation.* - The
10 authority and responsibility for the exercise of the mandate of the Department and for
11 the discharge of its powers and functions shall be vested in the Secretary of the
12 Department of Water, Sewage and Sanitation, hereinafter referred to as the Secretary,
13 who shall have supervision and control over the Department and shall be appointed by
14 the President. For such purposes, the Secretary shall:

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

1 Sec. 7. *Office of the Secretary* - The Office of the Secretary shall be composed of
2 the Secretary and his/her immediate staff.

3 Sec. 8. *Undersecretaries*. - The Secretary shall be assisted by not more than five (5)
4 Undersecretaries. who shall be appointed by the President upon the recommendation of
5 the Secretary, as follows:

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

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

- 13 (a) Advise and assist the Secretary in the formulation and implementation of
14 Department policies, plans, programs, and projects;
- 15 (b) Supervise all the operational activities of the units assigned to her/him, for
16 which she/he is responsible to the Secretary; and
- 17 (c) Perform such other duties and responsibilities as may be assigned or
18 delegated by the Secretary to promote efficiency and effectiveness in the
19 delivery of public services or as may be required by law.

20 Sec. 9. *Assistant Secretaries*. - The Secretary shall also be assisted by one
21 Assistant Secretary for Internal Audit and the five (5) Undersecretaries shall each be
22 assisted by not more than three (3) Assistant Secretaries likewise appointed by the
23 President of the Philippines upon the recommendation of the Secretary.

24 Sec. 10. *Organizational Structure*. - The Department shall be composed of the
25 following organization units:

- 26 (a) Department Proper consisting of the Office of the Secretary, the Offices of
27 the Undersecretaries and Assistant Secretaries, the Internal Audit, Finance

1 Service, Administrative Service, Planning and Engineering Services,
2 Regulatory and Financial Assistance Services; and Operations; and
3 (b) Regional Offices, as deemed appropriate and necessary by the Secretary.

4 Sec. 11. *Internal Audit.* - The Internal Audit is hereby created for the purpose of
5 conducting comprehensive audit of various Department activities and shall have the
6 following specific functions:

- 7 (a) Advise the Secretary on all matters relating to management control and
8 operations audit;
- 9 (b) Conduct management and operations performance audit of Department
10 activities and units and determine as to compliance with established
11 objectives, policies, methods and procedures, government regulations,
12 and contractual obligations of the Department;
- 13 (c) Review and appraise systems and procedures, organizational structure,
14 assets management practices, accounting, and other records, reports, and
15 performance standards of the Department of Proper and Regional Offices;
- 16 (d) Analyze and evaluate management deficiencies and assist top
17 management to solve problems by recommending realistic courses of
18 action; and
- 19 (e) Perform such other related duties and responsibilities as may be assigned
20 or delegated by the Secretary or as may be required by law.

21 Sec. 12 *Finance Service.* - The Finance Services is hereby created to provide the
22 Department with coordinated services relating to financial systems and procedures,
23 budget, cash, accounting, and all financial matters not falling under other Services. For
24 such purposes, it shall have the following functions:

- 25 (a) Advise the Secretary on all matters relating to the accounting of
26 government expenditures and receipts, budgeting and cash management,
27 project finances, and financial systems and procedures;

- 1 (b) Prepare budget proposals and pursue formal budget authorizations,
2 undertake budget execution, and prepare and submit all appropriate
3 reports to the proper offices;
- 4 (c) Develop and maintain accounting, financial, and assets management
5 systems, procedures, and practices in the Department Proper and
6 Regional Offices in accordance with the existing government accounting
7 and auditing rules and regulations;
- 8 (d) Provide assistance in its area of specialization to any unit of the
9 Department and, when requested, to government corporations, councils,
10 and boards attached to the Department; and
- 11 (e) Perform such other related duties and responsibilities as may be assigned
12 or delegated by the Secretary or as may be required by law.

13 Sec. 13. *Administrative Service.* - The Administrative Service is hereby created to
14 provide the Department with services relating to human resources development,
15 personnel records, facilities maintenance, medical and dental, gender and development
16 (GAD), security, property and procurement services. For such purposes, it shall have
17 the following functions:

- 18 (a) Advise the Secretary on all matters relating to internal administration and
19 human resources management;
- 20 (b) Prepare and implement an integrated personnel plan that shall include
21 provisions on merit promotion, performance evaluation, job rotation,
22 suggestions and incentive awards systems, and health and welfare
23 services;
- 24 (c) Provide services related to human resource training, education, and
25 development, including manpower, career planning and forecasting and
26 development of indigenous training materials;
- 27 (d) Prepare and/or implement Department GAD plans and budgets and GAD
28 accomplishment reports;

- 1 (e) Develop, establish, and maintain an efficient and cost-effective property
2 procurement system and facilities and coordinate or otherwise interface
3 with relevant agencies, whether government or private, for the purpose of
4 developing or upgrading the system;
- 5 (f) Secure and maintain necessary Department facilities, and develop,
6 establish, and maintain an efficient and effective security system covering,
7 among others, personnel, physical installations, equipment, documents,
8 and materials, including the conduct of security investigations;
- 9 (g) Coordinate with the appropriate government agencies for a more efficient
10 conduct of administrative processes;
- 11 (h) Develop, establish and maintain an efficient records system;
- 12 (i) Provide assistance in its area of specialization to the Department Proper
13 and Regional Offices and, when requested, the government agencies and
14 corporations attached to the Department; and
- 15 (j) Perform such other related duties and responsibilities as may be assigned
16 or delegated by the Secretary or as may be required by law.

17 Sec. 14. *Planning and Engineering Services.* - The Planning and Engineering
18 Services is hereby created to provide the Department with the capability to undertake
19 infrastructure development planning, programming, and implementation. For this
20 purpose, it shall have the following functions:

- 21 (a) Advise the Secretary on all matters relating to infrastructure planning and
22 implementation;
- 23 (b) Formulate strategies and priorities for infrastructure development
24 consistent with national development objectives and initiate or undertake
25 relevant surveys for development planning;
- 26 (c) Formulate and implement long-range, medium-term and annual
27 development plans and programs for infrastructure, including flood
28 control, water resource development systems, and other public works

1 projects, including phasing of implementation and review and integrate
2 land use plans with such water development plans;

3 (d) Identify and implement priority packages for infrastructure development,
4 including flood control, water resource development systems, and other
5 public works projects, and undertake or supervise and evaluate the
6 conduct of feasibility studies and project preparation and implementation
7 thereof;

8 (e) Prioritize project implementation and the allocation of funds and other
9 resources and package project proposals for funding and implementation;

10 (f) Evaluate and appraise all regional interregional infrastructure development
11 plans and programs as to their feasibility and consistency with approved
12 strategies and long and medium-term plans;

13 (g) Initiate regular Department-wide planning exercises and act as the
14 secretariat thereof;

15 (h) Gather, analyze, and organize needed statistical data and information;

16 (i) Provide technical assistance related to its functions to the other Services
17 and Regional Offices as needed; and

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

20 Sec. 15. *Regulatory and Financial Assistance Services.* - The Regulatory and
21 Financial Assistance Services is hereby created to provide the Department with services
22 on all legal affairs, compliance of attached government corporations, LWDs, RWSAs,
23 cooperatives, and other associations, including private entities under contractual or
24 concession arrangement with them, and other private water service providers on the
25 established standards, rules and regulations relating to: water quality; infrastructure
26 and facilities design and construction; equipment, materials and supplies; operations
27 and maintenance; personnel; organization; accounting; tariffs; and other matters
28 subject to regulation. It shall also provide the Department services on the management

1 of the financial assistance available and granted to LWDs and RWSAs. For this purpose,
2 it shall have the following functions:

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

24 Sec. 16. *Operations.* - The Operations is hereby created to provide the
25 Department through Regional Offices with the capability to plan, design, and implement
26 projects for water resource development systems, irrigation, flood control, and other
27 public works in different regions of the country. For this purpose, it shall have the
28 following functions:

- 1 (a) Undertake and evaluate the planning, design, construction, and works
2 supervision functions of the Department for the abovementioned
3 infrastructure within the region;
- 4 (b) Undertake the maintenance of the abovementioned infrastructure within
5 the region and supervise the maintenance of such local infrastructure
6 receiving national government financial assistance as the Secretary may
7 determine;
- 8 (c) Ensure the implementation of laws, policies, programs, rules and
9 regulations regarding the abovementioned infrastructure as well as public
10 and private physical structures;
- 11 (d) Provide technical assistance related to their functions to other agencies
12 within the region;
- 13 (e) Coordinate with other departments, agencies, institutions, and
14 organizations within the region, in the planning and implementation of
15 infrastructure projects;
- 16 (f) Conduct continuing consultations with the local communities, take
17 appropriate measures to make the services of the Department responsive
18 to the needs of the general public, compile and submit such information
19 to the central office, and recommend such appropriate actions as may be
20 necessary; and
- 21 (g) Perform such other related duties and responsibilities as may be assigned
22 or delegated by the Secretary or as may be required by law.

23 *Sec. 17. Regional Director.* - Each Regional Office shall be headed by a Regional
24 Director who shall be responsible for efficiently and effectively carrying out the duties
25 and responsibilities of the Regional Office. She/he shall also perform such other related
26 duties and responsibilities as may be assigned or delegated by the Secretary or as may
27 be required by law.

28 The Regional Director shall be assisted by two (2) Assistant Regional Directors
29 who shall exercise supervision respectively over (1) the planning, project design,

1 evaluation, and technical assistance functions of the Regional Office, and (2) the
2 construction, maintenance, and works supervision functions in the region.

CHAPTER III TRANSITORY PROVISIONS

3 Sec. 18. *Interface with Other Sector Regulators.* - The Department is mandated to
4 coordinate with the different sector regulators as follows:

5 (a) The Department of Environment and Natural Resources (DENR) shall
6 continue to have the primary authority and responsibility for protecting
7 the environment and for the conservation of water and related natural
8 resources, including protecting water bodies from waste and pollution and
9 shall promulgate rules, regulations, and standards in this regard. The
10 Department shall coordinate with the DENR with respect to the
11 conservation of water resources, protection from sewage and septage
12 waste, and restoration from environment damage;

13 (b) The Department of Health (DOH) shall have primary authority and
14 responsibility for determining and enforcing drinking water quality and
15 sanitation standards. The Department shall coordinate with the DOH to
16 achieve an integrated approach for sanitation, including toilets, collection,
17 treatment, and evaluation of wastewater.

18 (c) The Department shall subsume responsibility from the Department of
19 Public Works and Highways (DPWH) for wholly or primarily water-related
20 public works projects including flood control, water resources
21 development, sewerage, sanitation, and the harnessing and impounding
22 of water. The Secretaries of each department shall coordinate on the
23 development of evaluation criteria as necessary, to determine proper
24 allocation of public works projects between the two departments.

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

4 *Sec. 19. Transfer of Rights and Obligations.* - The Department, shall by virtue of
5 this Act, be subrogated to all the rights, and assume all the obligations of the relevant
6 parts of any government agency or unit whose powers and duties have been
7 transferred to the Department, including the DPWH, National Irrigation Administration
8 (NIA), National Water Resources Board (NWRB), Metropolitan Waterworks and
9 Sewerage System (MWSS), Local Water Utilities Administration (LWUA), Metro Manila
10 Development Authority (MMDA), and the Department of Interior and Local Government
11 (DILG).

12 The transfer of powers and functions in Section 18 above, as applicable, and
13 agencies attached thereto, as herein provided for, shall take effect within one hundred
14 eighty (180) days after the effectivity of this Act. The foregoing transfer of powers and
15 functions shall include all applicable funds, personnel, records, property, and
16 equipment, as may be necessary. All offices shall continue to function under their
17 present mandates until transition is effected as provided for under this Act.

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

22 *Sec. 20. Separation from Service.* - Employees separated from government
23 service as a result of this Act shall be entitled to the benefits that they may receive
24 under existing laws, rules, and regulations.

25 *Sec. 21. Implementing Rules and Regulations.* — Within one hundred eighty
26 (180) days from the effectivity of this Act, the Department, in consultation with the
27 concerned government agencies, shall promulgate the necessary implementing rules

1 and regulations for the implementation of this Act: Provided, That such revised
2 implementing rules and regulations shall only take effect fifteen (15) days following its
3 publication in two (2) newspapers of general circulation.

4 Sec. 22. *Appropriations.* - The amount necessary to carry out the initial
5 implementation of this Act shall be sourced from any available funds of the National
6 Treasury, and is hereby appropriated and authorized to be released for the organization
7 of the Department and its initial operations.

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

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

14 Sec. 23. *Separability Clause.* - If any provisions or part hereof, is held invalid or
15 unconstitutional, the remainder of the law or the provision not otherwise affected shall
16 remain valid and subsisting.

17 Sec. 24. *Repealing Clause.* - Any law, presidential decree or issuance, executive
18 order, letter of instruction, administrative order, rule or regulation contrary to or
19 inconsistent with the provision of this Act is hereby repealed, modified or amended
20 accordingly.

21 Sec. 25. *Effectivity Clause.* - This Act shall take effect fifteen (15) days from its
22 complete publication in the Official Gazette and in at least one (1) newspaper of general
23 circulation.

24 *Approved,*