

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

NINETEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 2753



Introduced by **ANG PROBINSYANO**
Party-List Representative Alfred Delos Santos

EXPLANATORY NOTE

In 1989, Republic Act. No. 6713 ("An Act Providing For The Construction Of Water Wells, Rainwater Collectors, Development Of Springs And Rehabilitation Of Existing Water Wells In All Barangays In The Philippines") was enacted. Under Section 1 thereof, it became the "national policy to promote the quality of life of every Filipino through the provision of adequate social service including, but not limited to, the provision of adequate potable water supply made conveniently available to every barangay in the country." To carry out this policy, the Department of Public Works and Highways was charged with the following duties:

SECTION 2. Water Wells, Rainwater Collectors and Spring Development. — The Department of Public Works and Highways (DPWH) shall, within thirty (30) days after the approval of this Act, undertake construction of water wells, rainwater collectors, development of springs and rehabilitation of existing water wells in all barangays in the Philippines in such number as may be needed and feasible, taking into consideration the population, hydrologic conditions, costs of project development and operations, financial and economic factors and institutional arrangements: Provided, however, That the DPWH shall deduct not more than five percent (5%) for supervision, engineering, technical and other overhead expenses or fees: Provided, further, That each barangay in the country shall have at least one additional potable water source.

SECTION 3. Operation and Maintenance. — In order to ensure the proper use of the water facilities herein provided, a Barangay Waterworks and Sanitation Association, herein referred to as BWSA, shall be formed and organized for the purpose of maintaining the water facilities: Provided, That pending the organization of the BWSA, the water facilities shall be operated and maintained by the barangay council.

The BWSA shall be composed of the member-consumers who shall administer, operate and maintain the completed water facility and shall be registered with the corresponding municipal or city council.

The BWSA may impose such minimal charges as may be necessary for the maintenance and normal repairs of said facility. Nothing herein shall

prevent any resident of the locality from using the water facility under the same terms and conditions as the member-consumers of the BWSA.

Organizing and training the recipient communities in the operation and maintenance of water systems shall be conducted by the DPWH prior to the turnover of such facilities to the BWSA subject to the guidelines to be formulated by the Department.

SECTION 4. Submission of Report. — The Department of Public Works and Highways shall, within ninety (90) days after the approval of this Act and every one hundred eighty (180) days thereafter, submit periodic reports to the respective Committees on Public Works and Highways of both Houses of the Congress of the Philippines for evaluation and consideration.

Then in 2017, to enforce R.A. No. 6713, the Department of the Interior and Local Government (DILG) issued Memorandum Circular No. 76:

5.1 Construction and Installation of Rainwater Collection Systems

5.1.1. All local government public infrastructure, whenever applicable, shall pursue the construction of [Rainwater Collection Systems (RWCS)] and the use of collected rainwater for non-potable purposes. The LGU shall seek the assistance of the DPWH District Offices in its construction, following DPWH prototype designs.

5.1.2. LGUs shall not issue building permits to applicants who qualify under Section 8 (Building Use/Occupancy Coverage and Application) of the Philippine Green Building Code of 2016 (PGBC) who, among others, fail to meet the requirements under Section 11 (Water Efficiency) of the same Code.

5.1.3. LGUs are encouraged to pass ordinances integrating RCWS in their environmental laws and subsequently granting benefits and incentives that may take the form of tax incentives to encourage compliance of establishments and infrastructures, specially those who adopt the same, though not required to do so, under Section 8 of the PGBC.

5.1.4. LGUs shall incorporate in their Climate Action Plans, and their Comprehensive Development Plans the promotion and establishment of RCWS technologies.

But even with these measure in place, the water and sanitation crisis in the country has yet to be abated:¹

Out of 105 million people living in the Philippines, nearly seven million rely on unsafe and unsustainable water sources and 24 million lack access to improved sanitation. Despite its growing economy, the Philippines faces significant challenges in terms of water and sanitation access. The country is rapidly urbanizing, and its growing cities struggle to provide new residents with adequate water and sanitation services.

¹ “Philippines’ water and sanitation crisis,” Water.org, available at <https://water.org/our-impact/where-we-work/philippines/>.

In 2010, the government of the Philippines developed a road map to achieve universal water and sanitation services coverage by 2028. Water.org is working to support this goal.

In the Philippines and around the world, people are navigating the COVID-19 pandemic, and millions are striving to endure this crisis with an added challenge. They lack access to life's most critical resource – water. Now more than ever access to safe water is critical to the health of families in the Philippines.

Just in 2019, Metro Manila underwent one of the worst spells of water shortage in its history:²

Since early March [2019], the Manila metropolitan region has been in the grips of a water shortage, as the El Nino phenomenon has contributed to a 60% decline in rainfall, compared the country's long-term average, across half the country's provinces in the first part of the year, according to the government.

In Manila, that has exposed shortfalls and delays in the region's water infrastructure.

At the peak of the shortage in March, supply was 30 percent lower than normal in the city's East Zone, according to Manila Water, the private company responsible for providing water to almost seven million people living in the zone.

While commercial centers and heavily touristed areas were largely unaffected, some of the city's more neglected areas had no running water for seven days or more, the company said.

This bill is offered as a solution to this continuing problem. This Bill aims to require an owner or developer of a new institutional, commercial or residential development project in Metro Manila, with an area of at least 1,500 square meters and is required to secure a building permit, to reserve, develop, and maintain at least 3% of the total area, exclusive of roads, service streets, and alleys, as rainwater harvesting facility.

It is for the foregoing premises that the approval of this Bill is earnestly sought.



ALFRED C. DELOS SANTOS

Representative, Ang Probinsyano Party-List

² Matt Blomberg, "As rains fall short, Manila trickles into a water crisis," *Reliefweb*, May 17, 2019, available at <https://reliefweb.int/report/philippines/rains-fall-short-manila-trickles-water-crisis>.

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AN ACT
MANDATING THE ESTABLISHMENT AND MAINTENANCE OF A
RAINWATER HARVESTING FACILITY IN ALL NEW INSTITUTIONAL,
COMMERCIAL, AND RESIDENTIAL DEVELOPMENT PROJECTS IN
METRO MANILA

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

SECTION 1. *Short Title.* – This Act shall be known as the “Rainwater Harvesting Facility Act.”

SECTION 2. *Declaration of Policy.* – It is declared the policy of the State to protect and advance the rights of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature. Pursuant thereto, the State shall mandate the establishment of rainwater harvesting facilities to reduce flooding and relieve the metropolis of the devastating effects of typhoons and other weather disturbances, shall urge the conservation of potable water, and shall engage the active participation of the public and private sector in the flood mitigation efforts and initiatives of the government.

The State recognizes Metro Manila as one of the densest areas in the country. To mitigate the adverse effects of the continuing growth in population and widening community developments, the State shall ensure that Metro Manila local governments are capacitated to respond to threats brought by natural calamities and disasters such as massive flooding. To this end, the State shall mandate the construction of rainwater harvesting facilities in all new public and private institutional, commercial, and residential development projects that will prevent or delay the release of rainwater and runoff water into the public drainage system, creeks, and natural waterways prior to the issuance of building permits.

SECTION 3. *Definition of Terms.* – For the purpose of this Act:

- a) Rainwater harvesting facility. – A flood control structure such as a vertical detention tank, horizontal water tank, open retarding basin, and multi-use water catchment area, or an on-site regulation pond used to prevent or delay the release of rainwater into the public drainage system; and
- b) Return period. – The average length of time in years for a rain-related natural disaster of given magnitude to be equaled or exceeded by the length of time that a rainwater-related disaster may probably recur.

SECTION 4. *Rainwater Harvesting Facility Requirement.* – An owner or developer of a new institutional, commercial, or residential development project in Metro Manila, with an area of at least one thousand five hundred (1,500) square meters and is required to secure a building permit, shall reserve, develop, and maintain at least three percent (3%) of the total area, exclusive of roads, service streets, and alleys, as rainwater harvesting facility.

The owner or developer of an ongoing institutional, commercial, or residential development project in Metro Manila that has no existing provision for a rainwater harvesting facility shall build the facility within a period of three (3) years from the effectivity of this Act, or suffer the penalty imposed in Section 8.

To conserve potable water, rainwater collected by a harvesting facility may be used for non-potable and suitable purposes, such as gardening and air-cooling processes.

SECTION 5. *Design Approval.* – The provision for a rainwater harvesting facility shall be required by the Housing and Land Use Regulatory Board (HLURB) and local government units (LGUs) to be incorporated in the design of all new institutional, commercial, and residential development projects in Metro Manila and no project design shall be approved for construction unless it includes such facility. The HLURB and the LGUs shall ensure that these facilities are built during the construction phase of the projects.

SECTION 6. *Design Requirements.* – The rainwater harvesting facility must be designed to cope with a predetermined flood and rain return period and must have a storage capacity prescribed by the Department of Public Works and Highways (DPWH). The design of the rainwater harvesting facility shall include the following:

- a) Size, shape, and physical characteristics of available space;
- b) Construction plans with specified material type, including lining and coating requirements; and

- c) Detailed drawing on how the installation will drain into an outfall structure such as a dry well or percolation chamber, storm drain system, drainage channel, or natural wash.

SECTION 7. *Building Permits.* – If the design of a new institutional, commercial, or residential development project in Metro Manila with an area of at least one thousand five hundred (1,500) square meters does not provide for a rainwater harvesting facility, the LGU concerned shall deny the request for issuance of a building permit for such project.

SECTION 8. *Penalties.* – The owner or developer of all new institutional, commercial, and residential development projects in Metro Manila who fails to construct a rainwater harvesting facility in violation of Section 4 of this Act shall suffer the penalty of a fine of not less than five hundred thousand pesos (P500,000.00), but not more than two million pesos (P2,000,000.00) for every year of non-compliance.

In the case of a partnership, association, corporation, or any juridical person, the fine shall be imposed upon the president, treasurer, or any other officer or person responsible for the violation.

If the offender is a foreigner, the foreigner shall be deported immediately without further proceedings after payment of a fine.

The head of the government institution who violates Section 4 of this Act, or government officials, employees, and agents who issue licenses or permits in violation of this Act, shall suffer the penalty of suspension of not less than ten (10) days, but not more than one hundred eighty (180) days after due notice and hearing in an appropriate administrative proceeding.

SECTION 9. *Implementing Rules and Regulations.* – Within sixty (60) days from the effectivity of this Act, the Secretary of Public Works and Highways shall, in coordination with the Secretary of the Interior and Local Government, the Chief Executive Officer of the HLURB, and the Administrator of the Philippine Atmospheric, Geophysical, and Astronomical Services Administration (PAGASA), promulgate the rules and regulations for the effective implementation of this Act. The implementing rules and regulations shall include the standards and guidelines for the design, construction, installation, materials, site selection and planning, site-specific considerations, and maintenance of the rainwater harvesting facility.

SECTION 10. *Separability Clause.* – If any provision of this Act shall be declared unconstitutional or invalid, such declaration shall not invalidate other parts thereof which shall remain in full force and effect.

SECTION 11. *Repealing Clause.* – All laws, executive orders, presidential decrees or issuances, letters of instruction, administrative

orders, rules, and regulations contrary to or inconsistent with the provisions of this Act are hereby repealed, amended, or modified accordingly.

SECTION 12. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved,