



DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
KAGAWARAN NG KAPALIGIRAN AT LIKAS YAMAN



MEMORANDUM

FOR : **The Directors**
Legal Affairs Service
Policy and Planning Service
Climate Change Service

The Bureau Directors
Environmental Management Bureau
Biodiversity Management Bureau
Forest Management Bureau
Land Management Bureau
Ecosystems Research and Development Bureau

The Administrator
National Mapping and Resource Information Authority

The General Manager
Laguna Lake Development Authority

The Executive Directors
National Water Resources Board
Manila Bay Coordinating Office
River Basin Control Office
Pasig River Coordinating and Management Office
Palawan Council for Sustainable Development

The Officer-In-Charge
Mines and Geosciences Bureau

All Regional Executive Directors

FROM : **The Director**
Legislative Liaison Office

SUBJECT : **REQUEST FOR COMMENTS AND RECOMMENDATIONS ON HOUSE BILL 8833 OR "AN ACT PROVIDING FOR THE CONSTRUCTION OF WATER IMPOUNDING FACILITIES, FOR PURPOSES OF FLOOD CONTROL, POTABLE WATER SOURCES, AND IRRIGATION, IN EVERY CITY AND MUNICIPALITY IN THE COUNTRY" AND HOUSE BILL 8957 OR "AN ACT MANDATING THE ESTABLISHMENT OF WATER IMPOUNDING SYSTEMS FACILITIES FOR ESTABLISHMENTS**

**WITH AN AREA OF FIVE (5) HECTARES OR MORE " FROM THE
COMMITTEE ON PUBLIC WORKS AND HIGHWAYS OF THE
HOUSE OF REPRESENTATIVES**

DATE : 07 November 2023

In reference to the electronic letter dated 26 October 2023, the Committee on Public Works and Highways of the House of Representatives will be having a deliberation on the following legislative measures:

- **House Bill No. 8833** - "AN ACT PROVIDING FOR THE CONSTRUCTION OF WATER IMPOUNDING FACILITIES, FOR PURPOSES OF FLOOD CONTROL, POTABLE WATER SOURCES, AND IRRIGATION, IN EVERY CITY AND MUNICIPALITY IN THE COUNTRY" by Rep. Teodoro T. Haresco, Jr.; and
- **House Bill No. 8957** - "AN ACT MANDATING THE ESTABLISHMENT OF WATER IMPOUNDING SYSTEMS FACILITIES FOR ESTABLISHMENTS WITH AN AREA OF FIVE (5) HECTARES OR MORE " by Rep. Augustina Dominique C. Pancho.

In this regard, may we respectfully request **for comments and recommendations on the abovementioned bills, in anticipation of the Committee meeting**, as requested by the Committee. Kindly send them on or before **Friday, 17 November 2023, at 5 PM** via email at denrlllo@denr.gov.ph.

Attached herewith are the Letter Invitation and the House bills for your reference.


ROMIROSE B. PADIN

Cc: Undersecretary for Special Concerns and Legislative Affairs
Undersecretary for Integrated Environmental Science



COMMITTEE ON PUBLIC WORKS & HIGHWAYS

CTSS-I, Committee Affairs Department, House of Representatives
3rd Floor, Ramon V. Mitra Building, Batasan Hills, Quezon City, Philippines 1126.
Telefax: 9310200, Trunk Line: 9315001 local 7135

26 October 2023

HON. BENJAMIN E. DIOKNO

Secretary
Department of Finance (DOF)
City of Manila

HON. JOSE RIZALINO "JERRY" L. ACUZAR

Secretary
Department of Human Settlements and Urban Development (DHSUD)
Quezon City

HON. DOMINGO F. PANGANIBAN

Senior Undersecretary
Department of Agriculture (DA)
Quezon City

HON. MARIA ANTONIA YULO LOYZAGA

Secretary
Department of Environment and Natural Resources (DENR)
Quezon City

HON. VICENTE B. MALANO, Ph.D.

Administrator
Philippine Atmospheric, Geophysical and Astronomical Services Administration (PAGASA)
Quezon City

Your Honors:

The Committee on Public Works and Highways would like to request for your comments and recommendations on the following House Bills:

1. **HB 8833** – Providing for the construction of water impounding facilities, for purposes of flood control, potable water sources, and irrigation, in every city and municipality in the country (*Rep. Teodoro T. Haresco, Jr.*); and
2. **HB 8957** – Mandating the establishment of water impounding systems facilities for establishments with an area of five (5) hectares or more (*Rep. Augustina Dominique 'Ditse Tina' C. Pancho*).

Attached herewith are copies of the above-mentioned measures for your reference. You may also download copies of the aforementioned bills at www.congress.gov.ph.

The Committee will conduct a committee hearing regarding the matter and would highly appreciate receiving your comments/recommendations at the soonest possible time from receipt thereof.

Thank you.

Very truly yours,

FOR THE HONORABLE CHAIRMAN, ROMEO S. MOMO SR.:



AILEEN UY DAPURAN
Committee Secretary



Republic of the Philippines
House of Representatives
Quezon City, Metro Manila



NINETEENTH CONGRESS
Second Regular Session

House Bill No. 8833

Introduced by Representative TEODORICO "NONONG" T. HARESCO, JR.

AN ACT
PROVIDING FOR THE CONSTRUCTION OF WATER IMPOUNDING
FACILITIES, FOR PURPOSES OF FLOOD CONTROL, POTABLE WATER
SOURCES, AND IRRIGATION, IN EVERY CITY AND MUNICIPALITY
IN THE COUNTRY

EXPLANATORY NOTE

The Philippines is an agricultural nation heavily reliant on its natural resources for economic growth. Agriculture not only contributes significantly to the nation's GDP but also provides employment and livelihood opportunities for a substantial portion of the population. However, the sector faces challenges, such as irregular rainfall patterns, recurring droughts, and unreliable water supply, hindering its full potential.

Water security is acknowledged to have fundamental importance especially in the Marcos administration. In June 2023, President Ferdinand "Bongbong" Marcos, Jr. unveiled his administration's plan to build water impounding facilities for flood mitigation and irrigation for agricultural purposes. In his State of the Nation Address (SONA), President Marcos reiterated his commitment to ensuring water security through implementing infrastructure projects concerning this most precious resource.

Establishing water impounding facilities is an essential step towards ensuring sustainable agricultural development, mitigating the impacts of climate change, and promoting rural and urban development throughout the country. Thus, this bill seeks to address these challenges by mandating the construction of water impounding facilities, for purposes of flood control, potable water sources, and irrigation, in every city and municipality across the country.

The establishment of such facilities will lead to a myriad of benefits: supporting the agricultural sector by improving food security and agricultural productivity; promoting climate resilience, flood control, and disaster mitigation; and ensuring sufficient and potable water supply for urban and rural communities.

This proposed legislation is aligned with President Marcos' vision for a resilient, food-secure, and prosperous Philippines. By investing in water infrastructure and harnessing the potential of sustainable water management, the nation will be better equipped to face the challenges of the future and secure a brighter tomorrow for all Filipinos.

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


TEODORICO T. HARESCO, JR



House Bill No. 8833

Introduced by Representative TEODORICO "NONONG" T. HARESCO, JR.

AN ACT
PROVIDING FOR THE CONSTRUCTION OF WATER IMPOUNDING
FACILITIES, FOR PURPOSES OF FLOOD CONTROL, POTABLE WATER
SOURCES, AND IRRIGATION, IN EVERY CITY AND MUNICIPALITY
IN THE COUNTRY

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

1 **SECTION 1. *Short Title.*** – This Act shall be known as the “Water Impounding Facilities Act”
2

3 **SECTION 2. *Declaration of Policy.*** – It is hereby declared the policy of the State to promote
4 the quality of life of every Filipino through the provision of adequate water impounding,
5 potable water, and irrigation facilities made available to every city and municipality in the
6 country, aimed at promoting agricultural productivity, water conservation, flood control,
7 climate resilience, and inclusive economic development.
8

9 **SECTION 3. *Water Impounding Facilities.*** – There shall be established at least one (1) water
10 impounding facility for purposes of flood control, potable water sources, and irrigation, in such
11 available and suitable public space in every city and municipality.
12

13 The Department of Public Works and Highways (DPWH) shall, within ninety (90) days after
14 the approval of this Act, undertake construction and development of water impounding, potable
15 water sources and irrigation facilities, and rehabilitation of existing water facilities, in all cities
16 and municipalities in the Philippines in such number as may be needed and feasible, taking into
17 consideration the population, hydrologic conditions, costs of project development and
18 operations, financial and economic factors and institutional arrangements suitable for different
19 areas in the country.
20

21 **SECTION 4. *Operation and Maintenance.*** – In order to ensure the proper use of the water
22 facilities herein provided, the local government units concerned shall be primarily responsible
23 for the operation, supervision, and management of water facilities established under this Act.
24 They are also hereby authorized to issue rules and regulations on their proper use and
25 maintenance, in consultation with the DPWH and other concerned government agencies.
26

27 The local sanggunian shall promulgate guidelines and procedures for the use and operation of
28 the water facilities under its jurisdiction. The guidelines shall prescribe rules on the utilization
29 of the water facilities as needed for local efforts on flood control, water resource development,
30 potable water sources, and irrigation.

31
32 **SECTION 5. *Submission of Report.*** – The DPWH shall, within one hundred eighty (180) days
33 after the approval of this Act and every one hundred eighty (180) days thereafter, submit
34 periodic reports to the respective Committees on Public Works and Highways of both Houses
35 of the Congress of the Philippines for evaluation and consideration.

36
37 **SECTION 6. *Funding.*** – The amount necessary for the initial implementation to fund the
38 construction, rehabilitation, and repair of water impounding facilities for flood control, potable
39 water source, and irrigation shall be charged under the DPWH. Thereafter, funds for this
40 purpose shall be included in the annual General Appropriations Act. The LGU concerned shall
41 provide for the continued maintenance, operation and management of the facility.

42
43 Additional funding for the construction of such facilities shall come from bilateral and
44 multilateral official development assistance, grants, donations, collections and other forms of
45 assistance from public or private entities, whether domestic or foreign: *Provided,* That the
46 payback period matches public infrastructure investment returns.

47 **SECTION 7. *Implementing Rules and Regulations.*** – Within sixty (60) days from the
48 effectivity of this Act, the Secretary of the DPWH shall, in coordination with the Department
49 of Environment and Natural Resources, the National Irrigation Authority, and other concerned
50 agencies, with the participation of local government units, promulgate the rules and regulations
51 necessary to carry out the provisions of this Act.

52 **SECTION 8. *Non-Impairment Clause.*** – Nothing in this Act shall be construed as to diminish,
53 impair, or repeal rights recognized, granted, or made available to disadvantaged, marginalized,
54 or specific sectors under existing laws.

55
56 **SECTION 9. *Separability Clause.*** – If any provision is held invalid or unconstitutional, the
57 remainder of the law or provision not otherwise affected shall remain valid and subsisting.

58
59 **SECTION 10. *Repealing Clause.*** – Any law, presidential decree or issuance, executive order,
60 letter of instruction, administrative order, rule, or regulation contrary to or inconsistent with
61 the provisions of this Act is hereby repealed, modified, or amended accordingly.

62
63 **SECTION 11. *Effectivity.*** – This Act shall take effect fifteen (15) days after its publication in
64 the Official Gazette or in a newspaper of general circulation.

65
66 *Approved,*

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

NINETEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. 8957



Introduced by **HON. AUGUSTINA DOMINIQUE "Ditse Tina" C. PANCHO**

EXPLANATORY NOTE

Due to the harsh climate and topography of the Philippines, the country suffers frequent natural calamities, including droughts and floods, which cause enormous losses for our society.

This Bill directly supports the declared policy of the State to protect and advance the right of the people to a balanced and healthful ecology; and recognizes the role of the business sector as a partner for national development.

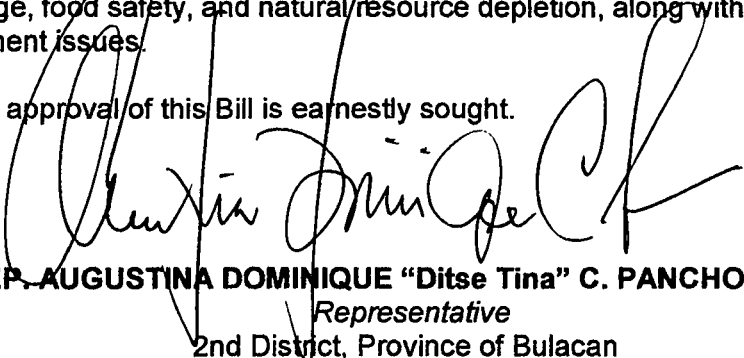
It seeks to make mandatory for establishments with a land area of five (5) hectares or more, to have water impounding systems and facilities and help solve the problem of flooding during the rainy season, and the need for stable and steady water supply requirements during annual droughts caused by the El Niño.

Currently, despite a considerable dedicated budget for flood control and other similar water management programs, government has not been able to optimize its gains in addressing both these threats to our people's security and well-being. Making water impounding facilities mandatory structures for establishments occupying such a large area, can significantly help resolve this problem by reducing flood damage, and providing irrigation for the agriculture sector during the dry season. This not only ensures the increase in agricultural productivity, but in the same light, also facilitates the imperative of business establishments to both focus toward sustainable viability alongside organizational return on investment (ROI).

Water impounding facilities have proven to be effective in terms of the reduction of flood damage and the efficient direction of water resources to applications such as irrigation in our rural farm communities where it is most needed. In turn this can considerably help relieve rural poverty, establish food security, and reconcile economic and social disparities between urban and rural areas.

Given this, water impounding systems and facilities as presented in this Bill, serve as doable mechanisms to resolve the escalating public and governmental concern about climate change, food safety, and natural resource depletion, along with other concomitant development issues.

With this in mind, the approval of this Bill is earnestly sought.



REP. AUGUSTINA DOMINIQUE "Ditse Tina" C. PANCHO
Representative
2nd District, Province of Bulacan

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

NINETEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. 8957

Introduced by HON. AUGUSTINA DOMINIQUE "Ditse Tina" C. PANCHO

**"AN ACT MANDATING THE ESTABLISHMENT OF WATER IMPOUNDING
SYSTEMS FACILITIES FOR ESTABLISHMENTS WITH AN AREA OF FIVE (5)
HECTARES OR MORE"**

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

SECTION. 1. Declaration of Policy. — It is the declared policy of the State to afford full protection and the advancement of the right of the people to a healthful ecology in accord with the rhythm and harmony of nature. Further, the State has adopted the principle to strengthen, integrate, consolidate and institutionalize government initiatives with the private sector to achieve coordination in the implementation of plans and programs to address climate change in the context of sustainable development.

SEC. 2. Scope. — This Act shall apply to all owners of commercial and industrial establishments, subdivisions, and private developers governed under Philippine Laws with an area of five (5) or more hectares.

SEC. 3. Definition of Terms. — For purposes of this Act, the following shall have the corresponding meanings:

- (a) Commercial Establishment — refers to an establishment used for commercial purposes, such as a bar, restaurant, private office, fitness club, retail store, bank or other financial institution, supermarket, automobile or boat dealership, or any other establishment with a common business area;
- (b) Developer — refers to the person or entity who develops or improves the subdivision project or condominium project for and in behalf of the owner thereof.
- (c) Green Architecture — refers to the sustainable method of design and construction drawn from the key concepts of creating an energy efficient, environmentally friendly houses and buildings.
- (d) Industrial Establishment — refers to an establishment which is either

engaged in the manufacture, sale and distribution of goods or processing of raw materials into end products;

- (e) Subdivision Project - refers to a tract or a parcel of land registered under Act No. 496 which is partitioned primarily for residential purposes into individual lots with or without improvements thereon, and offered to the public for sale, in cash or in installment terms. It shall include all residential, commercial, industrial and recreational areas, as well as open spaces and other community and public areas in the project.

SEC. 4. *Implementation.* — The Department of Environment and Natural Resources (DENR) and the Local Government Units (LGUs) shall have the primary responsibility in the implementation of the provisions of this Act and its Implementing Rules and Regulations (IRR).

SEC. 5. *Implementing Rules and Regulations.* — Within sixty (60) days from the effectivity of this Act, the DENR, together with the Department of Interior and Local Government (DILG), the Department of Public Works and Highways (DPWH), and the Joint Building and Environmental Planning Research and Standards Commission, shall promulgate the necessary rules and regulations for the effective implementation of this Act.

The implementing rules and regulations shall include accepted standards and guidelines for the design, construction, installation, materials, site selection and planning, along with health, safety, and site-specific considerations of water impounding systems and facilities.

SEC. 6. *Separability Clause.* — If any portion or provision of this Act is declared unconstitutional, the remainder of this Act or any provision not affected thereby shall remain in force and effect.

SEC. 7. *Repealing Clause.* — All other laws, acts, presidential decrees, executive orders, issuances, presidential proclamations, rules and regulations, or parts thereof, which are contrary to and inconsistent with any provision of this Act are hereby repealed, amended or modified accordingly.

SEC. 8. *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,