

PROPOSED ORDINANCE ADOPTING THE DRINKING WATER CODE OF NAGA CITY, CONSOLIDATING AND STRENGTHENING LOCAL POLICIES ON DRINKING WATER QUALITY REGULATION, MONITORING, AND ENFORCEMENT, CONSISTENT WITH NATIONAL SANITATION AND DRINKING WATER LAWS AND STANDARDS, AND FOR OTHER PURPOSES

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EXPLANATORY NOTE

Water is the fundamental catalyst for life. For the human body, potable water is not merely a beverage but a physiological necessity; it regulates body temperature, facilitates nutrient transport, and ensures cellular regeneration. Conversely, contaminated water is a silent carrier of debilitating diseases that disproportionately affect the most vulnerable members of our population—children and the elderly.


Beyond the individual, safe water is the backbone of a thriving community. A city with a reliable and safe water supply enjoys higher economic productivity, reduced public healthcare expenditures, and increased confidence among residents and tourists alike. Ensuring every drop of water consumed in Naga City is safe is an investment in the city's human capital and long-term resilience.

In order to protect public health and ensure the provision of safe and potable drinking water within the territorial jurisdiction of the City of Naga, there is a need to consolidate and strengthen existing regulatory measures governing water supply systems.

While Ordinance No. 2017-039, as amended by Ordinance No. 2018-089, provides for drinking water quality monitoring, the increasing number of water supply systems, including retail water systems or water refilling stations, necessitates a comprehensive codified framework aligned with Presidential Decree No. 856 and the Philippine National Standards for Drinking Water (2017).

The proposed Drinking Water Code of Naga City is anchored on a hierarchy of national laws and mandates:

- The 1987 Philippine Constitution: Specifically Article II, Section 15, which mandates the State to protect and promote the right to health of the people.
- Republic Act No. 7160 (Local Government Code of 1991): Under the General Welfare Clause (Section 16), Local Government Units are empowered to exercise powers necessary for the promotion of health and safety.
- Presidential Decree No. 856 (Code on Sanitation of the Philippines): The primary national standard for sanitation, requiring local health authorities to supervise the quality of water systems.

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- DOH Administrative Order No. 2017-010: Establishing the Philippine National Standards for Drinking Water (PNSDW) of 2017, which serves as the technical benchmark for this ordinance.

This measure seeks to adopt a unified Drinking Water Code of Naga City to institutionalize regulatory standards, monitoring systems, enforcement mechanisms, and accountability measures.

In view of the foregoing, the passage of this Ordinance is a commitment by the City Government to safeguard the health of every Nagueño by ensuring that every drop of water consumed within our city is safe, clean, and compliant with the highest national standards.

Be it ordained, by the Sangguniang Panlungsod, in session assembled, that:

GENERAL PROVISIONS

SECTION 1. TITLE. - This Ordinance shall be known as the "Drinking Water Code of Naga City."

SECTION 2. DECLARATION OF POLICY. - It is hereby declared the policy of the City Government of Naga to:

- a) Ensure that all drinking water distributed within the City is safe, potable, and compliant with national standards;
- b) Protect the public from waterborne diseases;
- c) Institutionalize science-based water quality monitoring systems;
- d) Promote transparency and accountability among water system operators; and
- e) Strengthen local enforcement consistent with national sanitation laws.

SECTION 3. SCOPE AND COVERAGE. - This Code shall apply to all drinking water supply systems operating within the City of Naga, including:

1. Level I, II, and III water supply systems;
2. Bulk water suppliers;
3. Mobile water systems;
4. Retail Water Systems (Water Refilling Stations).

SECTION 4. DEFINITION OF TERMS. - For the purposes of this Code, the following terms shall be understood as follows:

- a) Accredited Laboratory - A government or private laboratory duly authorized and accredited by the Department of Health (DOH) to perform microbiological, physical, chemical, and radiological examinations of drinking water, in accordance with the Philippine National Standards for Drinking Water (2017).

- b) Bulk Water System - A water supply system that extracts water from a source and delivers treated or untreated water to another drinking water service provider for further treatment and/or distribution.
- c) City Health Office (CHO) - The local government office primarily responsible for public health services, sanitation enforcement, water quality monitoring, laboratory coordination, and regulatory compliance within the territorial jurisdiction of Naga City.
- d) Drinking Water - Water intended for direct human consumption, cooking, food preparation, or beverage production, which complies with the standards set under the Philippine National Standards for Drinking Water (2017).
- e) Level I Water Supply System - A protected well or developed spring with an outlet but without a distribution system, generally adaptable to rural areas with scattered households.
- f) Level II Water Supply System - A piped system with communal faucets or standposts serving clustered households.
- g) Level III Water Supply System - A piped water supply system with individual household connections, including a source, reservoir, and distribution network.
- h) Mobile Water System - A water distribution system utilizing transport vehicles or movable containers for delivering potable water to consumers.
- i) Naga City Drinking Water Quality Monitoring Committee (NCDWQMC) - The policy-making and oversight body created under Ordinance No. 2017-039, as amended, responsible for evaluating water quality reports, recommending regulatory measures, and ensuring compliance with this Code.
- j) Operator or Permittee - Any person, partnership, corporation, cooperative, association, or juridical entity granted authority by the City Government of Naga to operate a drinking water supply system.
- k) Potable Water - Water that meets microbiological, physical, chemical, and radiological standards prescribed by the Philippine National Standards for Drinking Water (2017).
- l) Retail Water System (Water Refilling Station) - A facility where water is treated, purified, disinfected, and dispensed directly to consumers in refilled containers, whether in company-owned or customer-owned containers, for commercial distribution.
- m) Sanitary Permit - A permit issued by the City Health Office pursuant to Presidential Decree No. 856 authorizing the operation of an establishment after compliance with sanitation requirements.

- n) Sanitary Inspector - A duly appointed and authorized personnel of the City Health Office tasked to enforce sanitation laws and regulations, including this Code, pursuant to Presidential Decree No. 856.

REGULATORY STRUCTURE

SECTION 5. INSTITUTIONALIZATION OF THE NCDWQMC. - The Naga City Drinking Water Quality Monitoring Committee (NCDWQMC), created under Ordinance No. 2017-039, as amended, is hereby institutionalized as the primary oversight and policy body for drinking water regulation in the City.

SECTION 6. POWERS AND FUNCTIONS. - The NCDWQMC shall:

- a) Evaluate monthly and annual laboratory reports submitted by the City Health Office;
- b) Recommend policy measures to ensure compliance with water quality standards;
- c) Issue advisories concerning drinking water safety;
- d) Submit annual reports to the Sangguniang Panlungsod;
- e) Coordinate with national agencies and accredited laboratories.

SECTION 7. POWERS AND DUTIES OF SANITARY INSPECTORS. - Consistent with Presidential Decree No. 856 and other applicable laws, Sanitary Inspectors shall have the following powers and responsibilities in relation to this Code:

- a. Conduct regular and unannounced inspections of all drinking water supply systems;
- b. Collect water samples for microbiological/heterotrophic plate count (hpc), physical, chemical, and radiological examination in accordance with prescribed protocols;
- c. Issue Notices of Violation, Sanitary Orders, and Compliance Directives to operators found in violation of this Code;
- d. Recommend preventive suspension, temporary closure, or revocation of permits when public health is endangered;
- e. Verify authenticity of laboratory reports and compliance certificates;
- f. Monitor corrective actions undertaken by operators;
- g. Submit periodic inspection and compliance reports to the City Health Officer and the NCDWQMC;
- h. Assist in emergency response measures during water contamination incidents or public health outbreaks;
- i. Exercise such other powers necessary for the effective enforcement of this Code and related health and sanitation laws.

In the lawful performance of their duties, Sanitary Inspectors shall be deemed persons in authority. Any obstruction, refusal of entry, or interference with their official functions shall constitute a violation of this Code and may be subject to penalties provided herein and under applicable national laws.

WATER QUALITY STANDARDS AND TESTING

SECTION 8. GOVERNING STANDARDS. - All drinking water distributed in the City shall comply with:

- a. The Philippine National Standards for Drinking Water (2017);
- b. Presidential Decree No. 856;
- c. Relevant Department of Health issuances.

SECTION 9. MANDATORY TESTING REQUIREMENTS. - All covered water systems shall comply with the following minimum testing intervals:

1. Microbiological Examination - at least once every month;
2. Physical and Chemical Examination - at least once every six (6) months;
3. Radioactive Examination (if available) - as required under national standards.

All examinations shall be conducted only by laboratories duly accredited by the Department of Health.

SECTION 10. PUBLIC DISCLOSURE. - All water system operators shall post the latest laboratory test results in a conspicuous area within their establishment accessible to consumers.

Failure to meet prescribed standards shall result in the issuance of a Notice of Violation and may warrant preventive suspension.

REGULATION OF RETAIL WATER SYSTEMS (WATER REFILLING STATIONS)

SECTION 11. PERMIT REQUIREMENTS. - No retail water system shall operate without:

- a. Valid Mayor's/Business Permit;
- b. Sanitary Permit issued by the City Health Office;
- c. DOH License to Operate, when required;
- d. Updated laboratory compliance results.
- e. Valid Health Certificates of operators/permittee and employees

SECTION 12. OPERATIONAL AND SANITATION REQUIREMENTS. - Operators shall:

- a. Maintain sanitary premises and equipment;
- b. Ensure proper washing, rinsing, and disinfection of containers prior to refilling;
- c. Use tamper-proof caps or seals;
- d. Require employees to secure valid Health Certificates;
- e. Maintain records of filter replacement, equipment maintenance, and sanitation schedules;
- f. Allow inspection and water sampling at any reasonable time.

SECTION 13. PROHIBITED ACTS. - It shall be unlawful to:

- a. Sell or distribute contaminated drinking water;
- b. Operate without valid permits;
- c. Falsify laboratory results;
- d. Refuse inspection or water sampling;
- e. Continue operation despite suspension or closure order.

INSPECTION, ENFORCEMENT, AND EMERGENCY POWERS

SECTION 14. INSPECTION AND MONITORING. - The City Health Office, in coordination with the NCDWQMC, is authorized to conduct routine and unannounced inspections and collect water samples for confirmatory testing.

SECTION 15. PREVENTIVE SUSPENSION. - Immediate preventive suspension may be ordered when:

- a. Microbiological contamination is confirmed;
- b. Public health is at imminent risk;
- c. Repeated violations are committed.

SECTION 16. EMERGENCY PUBLIC HEALTH MEASURES. - In cases of contamination, outbreak, or environmental disaster affecting drinking water quality, the City Mayor, upon recommendation of the City Health Officer, may:

- a. Order temporary closure of affected systems;
- b. Mandate disinfection procedures;
- c. Issue public advisories;
- d. Require corrective compliance measures.

PENALTIES AND ADMINISTRATIVE SANCTIONS

SECTION 17. GRADUATED PENALTIES. - Any violation of this Code shall be penalized as follows:

- First Offense - Fine of One Thousand Pesos (₱1,000.00);
- Second Offense - Fine of Three Thousand Pesos (₱3,000.00);
- Third Offense - Fine of Five Thousand Pesos (₱5,000.00) and cancellation/revocation of Mayor's/Business Permit.

Administrative suspensions may likewise be imposed as follows:

- a) Seven (7) days - First serious violation;
- b) Fifteen (15) days - Second serious violation;
- c) Permanent revocation - Third serious violation.

TRANSPARENCY AND ACCOUNTABILITY

SECTION 18. DRINKING WATER QUALITY REGISTRY. - The City Health Office shall maintain a public registry of:

- a) Licensed drinking water system operators;
- b) Latest compliance status;
- c) Recorded violations and sanctions.

FINAL PROVISIONS

SECTION 19. COMPLIANCE PERIOD. - Existing Retail Water Systems (Water Refilling Stations) shall be given a period of six (6) to twelve (12) months from the effectivity of this Code to fully comply.

SECTION 20. SEPARABILITY CLAUSE. - If any provision or section of this Code, or the application thereof to any person or circumstance is later declared invalid by any court of competent jurisdiction, the other provisions of this code, as far as severable, shall remain in full force and effect.

SECTION 21. REPEALING CAUSE. - All other prior Ordinances, Executive Orders, Administrative Orders, Resolutions, Rules and Regulations, or parts thereof which are inconsistent with any of the provisions of this Code are likewise deemed repealed or amended.

SECTION 22. EFFECTIVITY. - This code shall take effect immediately upon its approval and publication in the Naga City Government pages and website or in a newspaper of local circulation.

Enacted:

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WE HEREBY CERTIFY to the correctness of the foregoing code.

LILIAN O. PASCUAL
Acting Secretary to the
Sangguniang Panlungsod

GABRIEL H. BORDADO JR.
City Vice Mayor & Presiding Officer

CONCURRED:

MARIA LEONOR G. ROBREDO
CITY MAYOR