



REPUBLIKA NG PILIPINAS  
PAMAHALAANG LUNGSOD NG MUNTINLUPA  
KALAKHANG MAYNILA

Sangguniang Panglungsod

ORDINANCE NO. 04-020

AN ORDINANCE TO REGULATE THE DRAWING OF WATER FROM ITS  
NATURAL SOURCE WITHIN THE TERRITORIAL JURISDICTION OF  
MUNTINLUPA CITY AND IMPOSING PENALTIES FOR VIOLATION  
THEREOF.

Sponsored by : Hon. Mario E. Bulay, Jr.  
Co-sponsored : Hon. Ma. Luisa Babaran, Echavez, M.D.  
Hon. Francis Ian T. Bagatsing  
Hon. Mamerto T. Sevilla, Jr.  
Hon. Raul R. Corro – Majority Floor Leader  
Hon. Bal Niefes  
Hon. Melchor R. Teves  
Hon. Allen F. Ampaya  
Hon. Atty. Icasiano M. Dela Rea  
Hon. Lucio B. Constantino  
Hon. Joselito V. Arevalo  
Hon. Artemio A. Simundac- ABC President  
Hon. Christian Glenn D. Lorica – SK- Chairman

WHEREAS, the beneficial use of water in the City of Muntinlupa is predominantly for commercial, industrial, recreational, municipal and domestic use;

WHEREAS, water is a scarce natural resource, the use and exploitation of which is subject to control and regulation by the City for the promotion of general welfare;

WHEREAS, it has been observed that there are increasing numbers of privately owned deep-well operators extracting uncontrolled and unbalanced exploitation of subterranean or ground water, engaged in selling raw deep-well waters;

WHEREAS, the occurrence of fissures and ground subsidence in the City of Muntinlupa is very alarming;

WHEREAS, based on the submitted reports by the joint members of the created study team to conduct an in-depth study of the phenomenon, massive and unregulated extraction of subterranean water are the primary and contributory factors to the fast ground vertical slip rate which result to a ground subsidence;

WHEREAS, according to the National Water Resources Board, a recent study conducted by CEST consultants, as part of a World Bank commissioned study on Water Resources Assessment for Prioritized Critical Areas (Phase I) concluded and showed that the availability of ground water resources in Metro Manila including Muntinlupa City, has already reached critical levels due to over-extraction.



REPUBLIKA NG PILIPINAS  
PAMAHALAANG LUNGSOD NG MUNTINLUPA  
KALAKHANG MAYNILA

Sangguniang Panglungsod  
Page 2  
Ordinance No. 04-020

**WHEREAS**, recently newspaper accounts published "Deep-Wells Alarms D.E.N.R.", where in Muntinlupa City has been identified as one of the "Critical Areas" because of unabated ground water extraction due to proliferation of deep-wells.

**WHEREAS**, records of N.W.R.B. would show that there are at least 3,000 existing deep-wells in Metro Manila alone, 60% or 1,600 of which are illegally operating, and only 40% of the total 3,000 deep-wells in the metropolis actually have permits.

**WHEREAS**, Section 458, Paragraph 1 (IV) of Republic Act 7160, otherwise known as the Local Government Code of 1991, empowers the Sangguniang Panglungsod to *"adopt measures to protect the inhabitants of the City from the harmful effects of man-made or natural disaster and calamities."*

**WHEREAS**, Section 458, Paragraph 1 (VI) of the same code empowers the Sangguniang Panglungsod to *"protect the environment and impose appropriate penalties or acts that endanger the environment, xxx";*

**WHEREAS**, Section 458, Paragraph 5 (VII) of the same code empowers the Sangguniang Panglungsod to *"xxx regulate the consumption, use or wastage of water and fix and collect charges therefore";*

**WHEREAS**, Section 458, Paragraph 5 (VIII) of the same code empowers the Sangguniang Panglungsod to *"regulate the drilling and excavation of the ground for the laying of water, gas, sewer, and other pipes xxx";*

**WHEREAS**, to prevent any further deterioration of the condition of the land, building, structures and to protect the natural aquifer in the city, it is imperative that immediate remedial measures be adopted.

**NOW THEREFORE, BE IT ENACTED**, by the Sangguniang Panglungsod of Muntinlupa in session assembled that:

**SECTION 1. Regulated Acts.** Proposed and existing deep-well operators located within the territorial jurisdiction of Muntinlupa City engaged in the extraction of ground waters from its natural source primarily for commercial, industrial, recreational and municipal use shall be subject to the regulation of this Ordinance.

1a. Proposed and existing deep-well operators located within the jurisdiction of Muntinlupa City shall comply with the provisions of P.D. 1067, otherwise known as the Water Code of the Philippines and shall secure all pertinent permits being required by the National Water Resources Board (N.W.R.B.), as well as the local government.



REPUBLIKA NG PILIPINAS  
PAMAHALAANG LUNGSOD NG MUNTINLUPA  
KALAKHANG MAYNILA

Sangguniang Panglungsod  
Page 3  
Ordinance No. 04-020

1b. Pursuant to Section 8 and 9 of P.D. 1067, applicants shall secure a *clearance* from the local city government and must comply with the local requirements prior to the granting and approval of a water permit by the National Water Resources Board.

1c. Aside from the Water Permit, a Certificate of Public Convenience (C.P.C.) issued by the N.W.R.B. shall also be secured by all commercial and municipal deep-well operators.

1d. All commercial, industrial, recreational and municipal deep-well operators shall maintain water control and measuring devices and keep records of water withdrawal; for monitoring purposes, pursuant to article 21 of P.D. 1067, the Water Code of the Philippines.

1e. The maximum rate of water diversion or withdrawal approved and authorized in the permit by the N.W.R.B. shall be metered and strictly complied with as provided for in Articles 18 and 21 of P.D. 1067.

1f. The beneficial use of water granted in the water permit shall be exclusively used for such purpose only.

1g. Regular monitoring and checking of records of water withdrawals of commercial, industrial, recreational and municipal deep-well operators shall be conducted by the designated local department and shall be accommodated by the operators.

1h. Deep-well construction shall comply with the proper spacing requirements between wells except for wells less than thirty (30) meters deep as provided for in Section 43 of P.D. 1067, the Water Code of the Philippines, shall be in accordance with the table below:

RATE OF WITHDRAWAL IN LITERS PER SECOND	MINIMUM DISTANCE BETWEEN WELLS IN METERS
2 – 10	200
More than 10 – 20	400
More than 20 – 40	600
More than 40	1000

1i. Diversion of ground or surface waters such as rivers, streams, springs, and lakes in any form outside the territorial jurisdiction of Muntinlupa City shall be subject to the *approval* of the N.W.R.B. with prior *consultation and clearance/resolution* from the City Council in accordance with section 8 and 9 of P.D. 1067, The Water Code of the Philippines.



REPUBLIKA NG PILIPINAS  
PAMAHALAANG LUNGSOD NG MUNTINLUPA  
KALAKHANG MAYNILA

Sangguniang Panglungsod  
Page 4  
Ordinance No. 04-020

1j. All operational deep-wells shall be used in times of emergency, fire, calamities and disasters free of charge.

1k. All deep-well contractors are required to register with the designated local government department. and submit a list of all their accomplished projects within the City of Muntinlupa, as well as comply with all the local requirements.

1l. All existing deep-well operators engaged in *commercial, industrial, recreational and municipal* use of water found violating the provisions of this Ordinance shall be given a period of ninety (90) days to comply from the date of the passage of this Ordinance. If within that period of time, they failed to comply with the Ordinance, a cease and desist order shall be issued by appropriate Local Government Agency, and if they insist or continue to operate, a closure order shall be issued by appropriate local government agency.

**SECTION 2. Exemption.** Water extraction or deep-wells intended for *domestic use* for single family or household with casing not exceeding seventy-five (75) millimeters in diameter and not more than thirty (30) meters deep are not covered by this Ordinance.

**SECTION 3.** A Local Department shall be assigned by the Local Chief Executive to perform the following functions under Section 9, of P.D 1067, as well as:

- a. Monitoring and reporting of compliance to approved extraction rate for deep wells engage in commercial, industrial, recreational and municipal use on a regular basis within the territorial jurisdiction of Muntinlupa City.
- b. Conduct on site investigation, technical and geological evaluations, environmental impact assessment on the proposed diversion point within fifteen (15) working days upon receiving the notice of application.

3(a). All notices of application shall be forwarded for posting by the NWRB to the Office of the Secretariat of the Sangguniang Panlungsod.

3(b). The assigned Sangguniang Panlungsod Secretariat shall notify the Barangay Chairman concerned of the application and the designated local department.

**SECTION 4. Barangay Consultation.** Upon receiving the Notices of Application, the Barangay Chairman shall invite the applicant, conduct public consultations and verify any protest prior to the granting of a barangay clearance/resolution to the applicant. All protest filed shall be subject to the provisions of Section 9 of the I.R.R. of P.D. 1067.



REPUBLIKA NG PILIPINAS  
PAMAHALAANG LUNGSOD NG MUNTINLUPA  
KALAKHANG MAYNILA

Sangguniang Panglungsod  
Page 5  
Ordinance No. 04-020

**SECTION 5. Local Requirements.** The following local permits are prerequisite to the processing, approval and granting of a water permit by the N.W.R.B.:

- a. Zoning Clearance
- b. Barangay Clearance
- c. Mayor's Permit or Business Permit to Operate, for the operator of the business
- d. Local Drilling Permit for the drilling contractor

**SECTION 6.** The Local Government thru the City Council and with the concurrence of the Local Chief Executive may recommend to the N.W.R.B. the suspension or revocation of a water permit for violations of the provisions of Chapter III Article 28 and 29 of P.D. 1067, within its territorial jurisdiction, or when an adverse effect on the environment such as the occurrence of fissures or ground subsidence due to the continuous extraction and over exploitation of ground water in the locality is evident which could affect the safety and general welfare of the inhabitants.

**SECTION 7. Definition of Terms.** As used in this Ordinance:

1. **Natural Source** - Shall mean aquifers or underground layer of porous rock containing water.
2. **Water** - Shall refer to water under the ground, water above the ground, water in the atmosphere and waters of rivers, lakes, streams, lagoons, springs and brooks running in their natural beds and the beds themselves within the territorial jurisdiction of Muntinlupa City.
3. **Extraction Rate** - The rate or measure at which water is drawn from its natural source in liters per second.
4. **Deep-well** - Shall mean all motorized pumps with high extraction rate used in the diversion of water from its natural source.
5. **P.D. 1067** - The Water Code of the Philippines
6. **N.W.R.B.** - National Water Resources Board
7. **B.P.L.O.** - Business Permit and Licensing Office
8. **Water Right** - The privilege granted by the government to appropriate and use water, which shall be evidenced by document known as a Water Permit.



REPUBLIKA NG PILIPINAS  
**PAMAHALAANG LUNGSOD NG MUNTINLUPA**  
KALAKHANG MAYNILA

Sangguniang Panglungsod

Page 6

Ordinance No. 04-020

9. **Water Permit** - A document issued by the N.W.R.B. to private entities, Government-owned or controlled corporations, which give them the right to appropriate water for its beneficial use.
10. **Commercial Use** - Shall mean the procurement, supply, delivery, distribution and selling of water to consumers.
11. **Industrial Use** - Shall mean the utilization of water in factories, industrial plants, and the use of water as an ingredient of a finished product.
12. **Recreational Use** - the utilization of water for swimming pools, bath houses, boating, water skiing, golf courses and other similar facilities in resorts and other places of creation.
13. **Municipal Use** - Shall mean the diversion and distribution of water through pipelines to supply subdivisions and villages for domestic and household consumption.
14. **Domestic Use** - Shall mean the utilization of water for drinking, washing, bathing, cooking, or other household needs, home gardens, and watering of lawns or domestic animals.
15. **Beneficial Use** - Shall mean the utilization of water in the right amount during the period that the water is needed for producing the benefits for which the water is appropriated (e.g. Domestic, Municipal, Irrigation, Power generation, Fisheries, Livestock raising, Industrial, Commercial, Recreational and other purposes).
16. **I.R.R.** - Shall mean the Implementing Rules and Regulations of P.D. 1067.
17. **Certificate of Public Convenience (CPC)** - An authority issued by the N.W.R.B. to qualified applicants engaged in the commercial and municipal use of water.

**SECTION 8. Penalty.** Violations of the provisions of this Ordinance shall be penalized accordingly.

a) **For violations of Sections 1a, 1c, 1h and 1i of this ordinance:**

- A fine of no less than Two Thousand Pesos (P2,000.00) and imposition of a cease and desist order to stop its operation, which shall continue to take effect unless a status of compliance has been established, or an imprisonment of not less than one (1) month nor more than six (6) months or both such fine and imprisonment, at the discretion of the Court.



REPUBLIKA NG PILIPINAS  
PAMAHALAANG LUNGSOD NG MUNTINLUPA  
KALAKHANG MAYNILA

Sangguniang Panglungsod  
Page 7  
Ordinance No. 04-020

b) For violations of Section 1e, 1d, 1g and 1f of this ordinance:

**First Offense:** A fine of not less than One Thousand Pesos (P1,000.00) and suspension of business operation for a period of one (1) month or permanent cancellation of the business permit in case N.W.R.B. revokes the water permit.

**Second Offense:** A fine of not less than Two Thousand Pesos (P2,000.00) and suspension of business operation for two (2) months or permanent cancellation of the business permit in case N.W.R.B. revokes the water permit.

**Third Offense:** A fine if not less than Three Thousand Pesos (P3,000.00) and outright permanent cancellation of the business permit.

c) For violation of Section 1b, 1j, 1k, 1l:

- Granting, issuance or renewal of business permit to operate will be withheld until such time the applicant has complied.

**SECTION 9.** If the offense is committed by a corporation, trust, firm, partnership, association or any other juridical person, the penalty shall be imposed upon the President, General Manager, and other guilty officer/s of such corporation, trust, firm, partnership, association or entity, without prejudice to the filing of a civil action against said juridical person. If the offender is an alien, he shall be deported after serving his sentence, without further proceedings.

**SECTION 10. Repealing Clause.** All ordinances, rules and regulations or parts thereof whose provisions are in conflict with or contrary to the provisions of this ordinance are hereby repealed, amended or modified accordingly.

**SECTION 11. Effectivity.** This ordinance shall take effect within ten days after its approval and shall be published in full for three (3) consecutive days in a newspaper of local circulation.

**ENACTED,** by the Sangguniang Panlungsod of Muntinlupa this 18<sup>th</sup> day of November, 2004 on its 19<sup>th</sup> Regular Session.

ATTY. RAUL R. CORRO  
Councilor

CONCURRED:

FRANCIS IAN T. BAGATSING  
Councilor



REPUBLIKA NG PILIPINAS  
PAMAHALAANG LUNGSOD NG MUNTINLUPA  
KALAKHANG MAYNILA

Sangguniang Panglungsod  
Page 8  
Ordinance No. 04-020

**BAL NIEFES**  
Councilor

**DR. MA. LUISA BABARAN-ECHAVEZ**  
Councilor

**ALLEN F. AMPAYA**  
Councilor

**LUCIO B. CONSTANTINO**  
Councilor

**MAMERTO T. SEVILLA, JR.**  
Councilor

**JOSELITO V. AREVALO**  
Councilor

**MELCHOR R. TEVES**  
Councilor

**ATTY. ICASIANO M. DELA REA**  
Councilor

**MARIO E. BULAY, JR.**  
Councilor

**CHRISTIAN GLENN D. LORICA**  
Sectoral Representative  
President – Federation of  
Sangguniang Kabataan

**ARTEMIO A. SIMUNDAC**  
Sectoral Representative  
President-Association of  
Barangay Captain

**ABSENT:**

**ALLAN REY A. CAMILON**  
Councilor

**ELMER S. ESPELETA**  
Councilor

**KEVIN B. DELGADO**  
Councilor

**RENE CARL S. CAYETANO**  
Councilor

**MARISSA COLE RONGAVILLA**  
Councilor

I hereby certify as to the correctness of the foregoing ordinance.

**CECILIA C. LAZARTE**  
Secretary  
SANGGUNIANG PANLUNGSOD





REPUBLIKA NG PILIPINAS  
PAMAHALAANG LUNGSOD NG MUNTINLUPA  
KALAKHANG MAYNILA

Sangguniang Panglungsod  
Page 9  
Ordinance No. 04-020

ATTESTED:

  
ALDRIN L. SAN PEDRO  
City Vice Mayor/Presiding Officer

APPROVED:

  
ATTY. JAIME R. FRESNEDI  
City Mayor

  
  














