EXPLANATORY NOTE

The establishment of rainwater harvesting facilities provides a solution to minimize the impact of flooding caused by heavy rainfall. The wells and collectors could harvest and store rainwater to prevent its direct discharge to sewers and drainages. This could aid in lessening the chances of flooding in the low-lying areas of Metro Manila. Further, the stored rainwater can be utilized for non-drinking purposes. This reduces water utility bills and lessens the demand on potable ground water.

This bill seeks to mandate newly-established commercial and residential institutions to provide and maintain rainwater harvesting facilities as part of flood mitigation measures in Metro Manila. This proposed legislation encourages the participation of the private sector to implement cohesive measures to lessen and control the incidences of flooding in the cities.

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

MANUEL DG. CABOCHAN III
Representative
Magdalo Para Sa Pilipino Party-List
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 Philippine in Congress assembled:

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

SEC. 2. Declaration of Policy. – It is declared a 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 for potable water, and shall engage the active participation of the public and private sector in the flood mitigating 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 a continuing growth in population and widening community developments, the State shall ensure that Metro Manila local governments are capacitated to respond to threats wrought by natural calamities and disasters such as massive flooding. Towards this end, the State shall mandate the construction of rainwater harvesting facilities in all new public and private institutional, commercial and residential development projects to design and construct a rainwater harvesting facility to prevent or delay the release of rainwater and runoff water into the public drainage systems, creeks and natural waterways prior to the issuance of building permits.

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

(a) Rainwater harvesting facility refers to a flood control structure such as a vertical detention tank, horizontal water tank, open retarding basin and multiuse 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 refers to 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.

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

The owner or developer of an on-going institutional, commercial and 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 hereof.

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.

SEC. 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.

SEC. 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
drywell or percolation chamber, storm drain system, drainage channel or natural
wash.

SEC. 7. Building Permits. – If the design of a new institutional, commercial and
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.

SEC. 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 noncompliance.
In the case of 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 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.

SEC. 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, promulgate the rules and regulations for the effective implementation of this Act. The implementing rule 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.

SEC. 10. Separability Clause. – If any provision or part of this Act is declared invalid or unconstitutional, the remaining parts or provisions not affected shall remain in full force and effect.

SEC. 11. Repealing Clause. – All laws, executive orders, administrative orders, and rules and regulations inconsistent with this Act are hereby repealed or amended accordingly.

SEC. 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,