



Republic of the Philippines
 Province of Davao Oriental
OFFICE OF THE SANGGUNIANG PANLALAWIGAN
 SP Complex, Government Center, Dahican
 CITY OF MATI



EXCERPTS FROM THE MINUTES OF THE 107TH REGULAR SESSION OF THE 17TH SANGGUNIANG PANLALAWIGAN OF DAVAO ORIENTAL HELD ON WEDNESDAY, JULY 17, 2024, AT THE CITY OF MATI, THIS PROVINCE.

PRESENT:

Regular Members:

District I

Hon. Anna Cheryl N. Castro
 Hon. Marietta D. Palmera
 Hon. Andy A. Monday

 Hon. Michelle M. Centeno

District II

Hon. Harold A. Montes
 Hon. Rotchie M. Ravelo
 Hon. Daud V. Linsag – Temporary
 Presiding Officer

Ex-Officio Members:

Hon. Joselito B. Villademoso

 Hon. Eleuterio C. Manaytay

President, Philippine Councilors League
 (PCL) - Davao Oriental Chapter
 Indigenous Peoples Mandatory
 Representative (IPMR)

ABSENT:

Hon. Nelson R. Dayanghirang, Jr.
 Hon. Shella Marie S. Go
 Hon. Stephen Paul L. Uy

Vice Governor
 SP Member, District II
 SP Member, District II – OB – City of Mati
 and Banaybanay

Hon. Art Benjie C. Bulaong
 Hon. Jossone Michael G. Dayanghirang

SP Member, District I
 President, Liga Ng Mga Barangay (LNB)
 Davao Oriental Chapter – Special Privilege
 Leave

Hon. Shanine C. Lintogonan

Sangguniang Kabataan Provincial
 Federation President (SKPFP) – OB Boston

PROVINCIAL ORDINANCE NO. 17-36-07-2024

Author : Hon. Nelson R. Dayanghirang, Jr.
 Sponsor : Hon. Andy A. Monday
 Hon. Rotchie M. Ravelo

AN ORDINANCE ESTABLISHING REGULATIONS ON THE OPERATIONS OF RETAIL WATER SYSTEM (RWS) OR WATER REFILLING, ICE MAKERS OR ICE PLANTS AND VENDING STATIONS IN THE PROVINCE OF DAVAO ORIENTAL AND PROVIDING PENALTIES FOR VIOLATION THEREOF AND FOR OTHER PURPOSES.

WHEREAS, the trending concern of the urban constituents, mostly convinced by the elaborate business ads of safe and fully-sanitized water products, has greatly propelled these watering businesses to boom and thrive like mushrooms rising in every street corners, even in the remote vicinity of the barangays;

WHEREAS, ice makers or ice plants require potable and drinking water to be converted into ice for retail, catering services, catching and processing sectors of the fish industry;

WHEREAS, notwithstanding the perceived image of these potable water retailers and ice products as providers of safe drinking water, however, one cannot be absolutely sure considering that there are cases where several individuals bought a visibly unclean water; most of these water and ice businesses are sourcing out water just within their compounds, residential areas or backyards; and considering further that not all of them fully comply, in particular, with the standard parameters and values for bacteriological, physical, and chemical qualities set by the Philippine National Standards for Drinking Water, as expressly defined pursuant to Presidential Decree No. 856, otherwise known as the Code on Sanitation of the Philippines and the Philippine National Standards for Drinking Water of 2007;

WHEREAS, Section 16 of Republic Act 7160, otherwise known as the Local Government Code of 1991, mandates every Local Government Unit (LGU) to promote the health and safety of every constituent under its territorial jurisdiction, hence, thru this Ordinance, prevent the people's health to be compromised by the rapid proliferation of drinking water by Retail Water System, water refilling, ice makers or ice plants and vending stations operating in the Province of Davao Oriental;

WHEREFORE, on motion of SP Member Andy A. Monday, duly and jointly seconded by SP Members Harold A. Montes, Rotchie M. Ravelo, Marietta D. Palmera, Eleuterio C. Manaytay, and Anna Cheryl N. Castro, it was


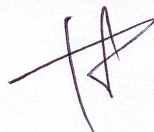
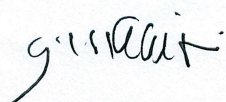
Be it ordained by the 17th *Sangguniang Panlalawigan* of Davao Oriental in session duly assembled, that:

Section 1. SHORT TITLE. - This Ordinance shall be known as the "**DAVAO ORIENTAL RETAIL WATER SYSTEM (RWS) REGULATION ORDINANCE.**"

Section 2. DECLARATION OF POLICY. – It is hereby declared as the policy of the Provincial Government of Davao Oriental to protect and promote the health of the people. Towards this end, it shall ensure that potable, safe and affordable drinking water is available to all the people by establishing a policy to regulate the production, processing, selling and distribution of drinking water and ice products being done by Retail Water System (RWS), water refilling, ice makers or ice plants and vending stations in order to secure the quality of all drinking water being sold everywhere in the Province of Davao Oriental to uphold the health and safety of all consumers.

Section 3. POLICY DIRECTIONS. - To carry out the foregoing policy, the Provincial Government of Davao Oriental, thru the City/Municipal Health Offices, and other concerned government agencies shall:

- a) Assimilate the compliance of this Ordinance as a major requirement in securing a business and sanitary permits with the City/Municipal Government for all retail water system/water refilling/ice makers or plants/vending station businesses.
- b) Initiate random monitoring and inspection in accordance with the Department of Health guidelines on Philippine National Standards for Drinking Water of 2007 on all retail water system/water refilling/vending stations/ ice makers or plants/business establishments operating within the Province of Davao Oriental by the City/Municipal Health Authorities concerned.

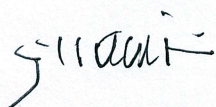


- c) Reinforce the strict observance of this Ordinance and as such, deputize CHO/MHO personnel to impose appropriate penalties for violations thereof.

Section 4. SCOPE AND COVERAGE. - This Ordinance shall be enforced in the territorial jurisdiction of the Province of Davao Oriental.

Section 5. DEFINITION OF TERMS. - For purposes of this Ordinance, the following terms shall mean:

- a) **REFILLING STATION** - refers to a retail water system (RWS) establishment.
- b) **RETAIL WATER SYSTEM (RWS)** – refers to the refilled water being sold and placed in the filled water container or in customer's containers in refilling station.
- c) **APPROVED WATER LABORATORY** - refers to the Department of Health-accredited water analysis laboratory.
- d) **APPROVED SOURCE** - refers to the source of the water whether it be from a spring, artesian well, drilled well, public or private water system, or any other source that has undergone a sanitary survey, issued site clearance, constructed, and the water sampled, analyzed, and found safe potable, issued an operational permit and certificate of potability of drinking water.
- e) **DRINKING WATER** - refers to water intended for human consumption or for use in food preparation.
- f) **WATER REFILL STATION BUSINESS** - refers to the selling for profit either wholesale or retail of water placed in refillable water containers or in customer's containers in refilling stations not more than or less than 20 liters of water container capacity.
- g) **CERTIFICATE OF POTABILITY OF DRINKING WATER** - refers to a certification issued by concerned agencies of government or their duly authorized representative certifying the potability and safeness of source drinking water for human consumption based on the Philippine National Standards of Drinking Water.
- h) **ICE MAKER/ ICE PLANT** - refers to an establishment with complete installation for the production and storage of ice, including the icemaker that is the unit that converts water into ice together with the associated refrigeration machinery, harvesting and storage equipment, and the building.
- i) **ESTABLISHMENT** - refers to a collective term construed to include buildings and premises where retail water system product water or refilling station product water is being processed.
- j) **FILTER** - refers to a device installed as part of water treatment system through which water flows for the purpose of removing turbidity, unpleasant taste, odor, iron or color. Filters can be loose media beds, in tanks or cartridge-type device. Filter media may be used for mechanical, absorptive, neutralizing; or catalyst/oxidation filtration process.



- k) **REFILLED WATER OR PRODUCT WATER** - refers to the source water that has undergone additional processing and the product of multi-stage purification technology (filtration, ion-exchange treatment, post carbon polishing, distillation, ultraviolet sterilization, reverse osmosis, air filtration, ozonation or other DOH-approved technology) and complying with the standard parameters and values for refilled water quality of retail water system or refilling station.
- l) **REFILLED WATER CONTAINER** – refers to the food-grade quality container for the containment of processed drinking water from retail water system or refilling station establishment.
- m) **SANITARY CLEARANCE** – refers to a clearance issued by the local health office to food or water delivery vehicles, mobile water tankers and similar vehicles, including its appurtenances that they comply with the design, construction, specification and other requirements for the department.
- n) **SANITARY PERMIT** – refers to the permission or certification in writing of the city/municipal health offices or in his absence, the chief or head of the sanitation division/section/unit that the establishment complies with the existing minimum sanitation requirements upon evaluation or inspection conducted in accordance with the Presidential Decree Nos. 552 and 856 and its implementing rules and regulations, local ordinances.

Section 6. SANITARY PERMIT REQUIREMENTS FOR THE OPERATION OF RETAIL WATER SYSTEM OR REFILLING STATIONS AND ICE MAKERS OR PLANTS. - No business permit shall be issued to any person or entity that shall operate a retail water system (RWS) or refilling station and ice makers or ice plants for commercial purposes without an approved Sanitary Permit from the City/Municipal Health Office.

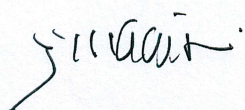
In addition, RWS and ice makers or ice plants operators shall be required to undergo orientation/seminars and other similar forums for safe and compliant water retailing business operations.

Section 7. SOURCE OF WATER PROTECTION. - The Provincial/City/Municipal Local Government Units shall establish a Local Drinking Water Quality Monitoring Committee that shall institute and implement a source of water protection to prevent any contamination of ground or surface water from affecting the drinking water supplies of the community.

Section 8. RESPONSIBILITIES OF THE CITY/MUNICIPAL HEALTH OFFICE. The City/Municipal Health Offices shall prescribed uniform quality standards to ensure that all accredited water refill, retailer, ice makers or ice plants and vending stations are compliant thereto.

In addition to the powers and responsibilities mandated by existing laws, rules and regulations, City/Municipal Health Office shall:

- a) Implement, impose penalties and suspend operations of water refill stations if found to have violated any of the provision of this ordinance and other existing laws, rules and regulations applicable thereof.
- b) Prohibit the sale of water products that do not comply with regulations and standards and/or order the recall or withdrawal from the market of any water product that has been found unsuitable for human consumption.



Section 9. CREATION AND ESTABLISHMENT OF PROVINCIAL LOCAL DRINKING WATER QUALITY MONITORING COMMITTEE

a) Organization of Provincial Local Drinking Water Quality Monitoring Committee – The Provincial Local Drinking Water Quality Monitoring Committee is hereby created to oversee the operation of the water systems and the quality of water produced and distributed through the systems and to monitor the implementation of Sanitation Code of the Philippines (PD No. 856) and Philippine Clean Water Act (RA No. 9275)

b) Composition of the Local Drinking Water Quality Monitoring Committee – The Local Drinking Water Quality Monitoring Committee shall be composed of but not limited to:

Chairman	:	Provincial Governor
Vice Chairman	:	Provincial Health Officer
Members	:	DOH Representative
		Provincial Engineer
		Provincial Environment & Natural Resources Officer
		Sangguniang Panlalawigan Chairman on Health
		Provincial Agriculture Officer
		Provincial Planning and Development Officer
		Provincial Agriculture Officer
		Representative from Water Laboratory
		Representative from Water Supply Provider
		Association RHU
		Sanitary Inspector – As Secretariat

c) Functions of the Committee. The Committee shall be responsible for the following functions:

1. Endorse annual work and financial plan on water quality surveillance to the Sangguniang Panlalawigan.
2. Formulate local policies concerning implementation of water quality monitoring program.
3. Initiates regular of immediate sanitary survey for contaminated water supply sources.
4. Initiates the regular collection and analysis of water samples as prescribed by laws or ordinance.
5. Confer the designation of the members of the Technical Working Group.
6. Reviews and approves the recommendation of TWG based on the evaluation of laboratory results.
7. Approves measures to address water quality issues.
8. Reviews and approves location of water sampling points.
9. Approves the annual water quality monitoring plan of water districts/water service providers.
10. Analyzes quarterly Water Quality Monitoring Reports to determine trends in the quality of the drinking water supply service for appropriate action.
11. Issues pronouncements on the quality of drinking water in the locality and releases corresponding advisories if necessary.
12. Conducts water quality audit whenever necessary.
13. Conducts regular quarterly meeting or as the need arises.

Sigait

[Signature]

[Signature]

Section 10. APPLICATION OR RENEWAL OF SANITARY PERMIT:

- a) The application or renewal of the sanitary permit shall be filed with the City/Municipal Health Office. Existing establishments operating before the issuance of these rules and regulations shall be evaluated by the City/Municipal Health Office and shall be required to conform to these rules and regulations before the renewal or issuance of the sanitary permit.
- b) The corresponding fees shall be paid to the city/municipal government upon application or renewal of sanitary permit.

Section 11. VALIDITY. - The sanitary permit shall be valid on the day of issuance until the last day of December of the same year, unless otherwise revoked, and shall be renewed every beginning of the year, thereafter.

Section 12. REVOCATION/SUSPENSION. - Upon the recommendation of the concerned local health officer, the sanitary permit shall be suspended or revoked by the local health authority upon violation of any provision of this ordinance sanitary rules and regulations.

Section 13. POSTING. - The sanitary permit shall be posted in a conspicuous place of the establishment for public information and shall be available for inspection by authorized health and other regulatory personnel.

Section 14. PENALTY CLAUSE. - Any establishment/operator of Retail Water System, water refilling, ice makers or ice plants and water vending stations who violate any of the provisions hereof shall be penalized as follows:

- a) **1st Offense:** Fine of P3,000.00 and a stern warning;
- b) **2nd Offense:** Fine of P4,000.00 and immediate suspension for 15 days;
- c) **3rd Offense:** Fine of P5,000.00 and revocation of business permit.

Section 15. SEPARABILITY CLAUSE. - If for any reason any portion or provision of this Ordinance is declared unconstitutional or invalid, the other sections or provisions hereof which are not affected thereby shall continue to be in full force and effect.

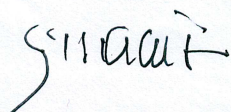
Section 16. REPEALING CLAUSE. - All ordinances, resolutions, memoranda, orders and other local issuances which are inconsistent with this Ordinance are hereby repealed or modified accordingly.

Section 17. EFFECTIVITY. - This Ordinance shall take effect fifteen (15) days after its publication in a newspaper of general circulation within the Province of Davao Oriental without the need for issuance of its Implementing Rules and Regulations (IRR).

ENACTED: JULY 17, 2024

CARRIED, by (8) affirmative votes of SP Members Anna Cheryl N. Castro, Harold A. Montes, Rotchie M. Ravelo, Marietta D. Palmera, Andy A. Monday, Michelle M. Centeno, Joselito B. Villademoso, and Eleuterio C. Manaytay; negative votes – none; and abstention - none.

*



*



*




I hereby Certify to the Correctness
of the foregoing Ordinance.



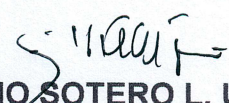
MAXIMINO A. NAZARENO II
Secretary to the Sangguniang Panlalawigan

Attested and Certified
to be duly Adopted:



DAUD V. LINSAG
SP Member, District II
Temporary Presiding Officer

APPROVED:



NIÑO SOTERO L. UY, JR.
Governor

Date approved and signed JUL 24 2024