

MALAYA

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54<sup>TH</sup> Regular Session

ORDINANCE NO. 1682, S-2005  
(PO2005-98)

AN ORDINANCE REGULATING THE USE OF GROUNDWATER IN QUEZON CITY, PROVIDING PENALTIES FOR VIOLATION THEREOF AND FOR OTHER PURPOSES.

Introduced by Councilors JORGE B. BANAL, JR.  
and ANTONIO E. INTON, JR.

Co-Introduced by Councilors Bernadette Herrera-Dy, Elizabeth A. Delarmente, Victor V. Ferrer, Jr., Francisco A. Calalay, Jr., Rommel R. Abesamis, Joseph P. Juico, Winston "Winnie" T. Castelo, Aiko Melendez-Jickain, Ramon P. Medalla, Voltaire Godofredo L. Liban III, Eric Z. Medina, Allan Butch T. Francisco, Franz S. Pumaren, Wencerom Benedict C. Lagumbay, Dante M. De Guzman, Julian ML. Coseteng, Diorella Maria Sotto-De Leon, Edcel B. Lagman, Jr., Alma F. Montilla, Janet M. Malaya, Restituto B. Malañgen, Bayani V. Hipol, Xyrus L. Lanot, and Junie Marie L. Castelo.

WHEREAS, water is a limited resource, and being a basic need of man, must be conserved and used efficiently to sustain sufficient supply for the future;

WHEREAS, equally as important as sufficient supply is the fitness of water for human consumption and use, and its suitability to water fixtures and facilities in homes and business establishments;

WHEREAS, indiscriminate drilling and excavation of wells, and unregulated use and excessive extraction of groundwater therefrom not only dry up scarce water sources but also destroy the environment resulting in contamination by toxic or hazardous materials, seepage and chemical residues;

WHEREAS, the foregoing also lead to land subsidence – a decline in land surface elevation – which may cause flooding, pipeline breakage or even collapse of buildings;

WHEREAS, experts have expressed the view that unabated ground water withdrawal could be a principal factor for the rapid sinking of Metro Manila;

WHEREAS, there is a compelling need to enact local legislation that would complement, support and enhance national laws on the rationalization and regulation of the use, conservation, development and protection of scarce water resources;

WHEREAS, the Quezon City Council, under Section 458 (5) (vii) and (viii) in relation to Section 458 (1) (vi) of RA No. 7160 (the Local Government Code), has the duty and power to protect the purity and quantity of water supply of the city, regulate the consumption, use or wastage of water, the use of pumps, and the drilling and excavation of the ground for the laying of water pipes and other structures, and to protect the environment.

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF QUEZON CITY IN REGULAR SESSION ASSEMBLED:

ARTICLE 1  
GENERAL PROVISIONS

SECTION 1. Title - This Ordinance shall be known as the "Sustainable Groundwater Utilization Ordinance of Quezon City."

**SECTION 2. Objectives.** - The City aims to conserve groundwater and to protect its purity to ensure sustainable supply of potable water for the use of residents and business establishments in Quezon City, and to protect the environment against land subsidence and water source contamination.

**SECTION 3. Coverage.** - This Ordinance applies to all types of proposed or existing construction projects involving the drilling and/or excavation of wells, whether residential, commercial, industrial, recreational or otherwise, within the territorial jurisdiction of Quezon City; provided, however, that churches, convents, mosques and other places of worship including all lands, buildings and improvements used solely for religious purposes shall be exempt from this Ordinance.

## ARTICLE 2

### CONDITIONS ON THE DRILLING/EXCAVATION OF WELLS

**SECTION 1. Wells for Primary or Secondary or Back-up Use.** - The establishment and operation of a well as primary source of water shall be permitted only in areas where surface water is not provided by the MWSS or its concessionaires; provided that the extraction/use of water from said well shall not exceed 5,000 cubic meters per month, if for domestic use only, or the volume authorized under the Water Permit, if for purposes other than domestic use.

In areas where surface water is made available by MWSS or its concessionaires but not on a 24-hours/daily basis, the establishment and operation of well may be permitted; provided it will be used only as a secondary or back-up source of water; and provided, further, that the use of water from said well shall not exceed 5,000 cubic meters per month, if for domestic use only, or the volume authorized under the Water Permit, if for purposes other than domestic use. This system shall be known as the "use for back-up only" rule.

Wells as primary source of water shall be permitted only until surface water is provided by the MWSS or its concessionaires on a 24-hours/daily basis.

Use of wells as secondary or back-up source of water shall be permitted only at certain period of the day or night when there is no supply of surface water. Continuous use shall be allowed until such time that surface water becomes available.

**SECTION 2. Definition of Terms.** - As used in this Ordinance, the following terms shall have the meaning hereunder:

**BACK-UP SOURCE** -- refers to a well intended to supply water to fill the water supply deficiency of the MWSS or its concessionaires; also referred to as secondary source.

**BUILDING OFFICIAL** -- is the official responsible for administering, implementing and enforcing the National Building Code (NBC) and its Implementing Rules and Regulations (IRR) and the orders and decisions made by competent authority pursuant thereto.

**CONCESSIONAIRE** -- refers to the Manila Water Company or the Maynilad Water Services.

**DOMESTIC USE/PURPOSE** -- is the utilization of water for drinking, washing, bathing, cooking or other household needs; and for watering of home gardens or lawns or for bathing or cleaning domestic animals or pets.

**DEEP WELL** -- refers to a well whose water level is at a depth exceeding twenty-two (22) feet above at which level the ordinary pump does not operate satisfactorily.

**EXCESSIVE USE** -- refers to the extraction and/or use of more than 5,000 cubic meters of water a month from a primary source or back-up/secondary source for domestic use or purpose, or more than the volume authorized under the water permit if for purposes other than domestic use, or the use of a well as the primary source of water in an area where surface water is available, whether or not a steady supply 24-hours a day.

**GROUNDWATER** -- water within the earth contained by an impermeable layer that supplies wells and springs.

**PRIMARY SOURCE** -- refers to a well established and operated in an area where surface water is not provided by the MWSS or its concessionaires, as the principal source of potable water supply.

**SANITARY/PLUMBING (DRILLING/EXCAVATION) PERMIT** -- a written authorization granted by the Building Official to an applicant, permitting him to drill or excavate a well.

**SHALLOW WELL** – refers to a well, which has a depth of less than twenty-two (22) meters or one hundred (100) feet.

**SUBSIDENCE** – falling, lowering or flattening out of the land elevation.

**SURFACE WATER** – refers to the potable water supplied by Metropolitan Waterworks and Sewerage System (MWSS) through its concessionaires.

**WATER PERMIT** – a permit granted by the National Water Resources Board (NWRB) to an applicant to extract water under certain conditions.

**WELL** – is either a shallow well or deep well where water is extracted for domestic or other uses.

**POTABLE WATER** – means water intended for human consumption or for use in food preparation.

ARTICLE 3  
MANDATORY REQUIREMENTS PRIOR TO THE ISSUANCE OF BUILDING AND BUSINESS PERMITS

SECTION 1. Additional Requirements for Applications for Sanitary/Plumbing (Drilling/Excavation) Permits.

- 1) All application for Sanitary/Plumbing (Drilling/Excavation) Permits shall include:
  - a) A detailed plan of the water supply system of the building.
  - b) If water supply will be sourced from groundwater well (deep well or shallow well), photocopies of the Water Permit duly issued by the National Water Resources Board (NWRB) and the Conformity of the Metropolitan Waterworks and Sewerage System (MWSS) and/or its concessionaires.
  - c) If water supply is sourced from groundwater well (deep well or shallow well), the details, specifications and site development plan of the well to be constructed (e.g. distance/space from the nearest well, depth, casing, diameter, materials used, volumes of water extracted in a day, TCT, Tax Declaration, Tax Receipt, Barangay Clearance).
- 2) In case the applicant is a lessee, a photocopy of the duly notarized Contract of Lease.
- 3) If the applicant is a corporation, photocopies of the Certificate of Registration of the Articles of Incorporation, and the Articles of Incorporation, both duly certified by its Corporate Secretary.
- 4) The originals of all required photocopies shall be exhibited to the Building Official or his authorized representative to determine if the photocopies submitted are faithful reproductions thereof.
- 5) If water from the well will be used, the original Result of the Potability Test conducted by the City Health Department. When warranted, water filter, purification system and chlorinator shall be required and installed to ensure that the water meets the National Standards for Drinking Water.
- 6) Well/water plans, specifications and other details contained in appropriate forms and duly signed and sealed by a Registered Sanitary Engineer.

SECTION 2. Additional Requirements for Application of New/Renewal of Business Permits.

All applications for new business permits or for renewal of business permits shall include a sworn statement containing the following:

- 1) A statement identifying the source of water supply of the applicant.
- 2) If the applicant owns or operates a well in his establishment, a statement that said well is covered by a Water Permit from the NWRB, with the conformity of MWSS and/or its concessionaire, and a Sanitary/Plumbing Permit from the Office of the Building Official; certified copies of said Water Permit and Sanitary/Plumbing Permit shall be attached to the sworn statement;
- 3) A statement that the applicant has and will continue to comply with all the requirements of said Water Permit.

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- 4) If the applicant is a lessee, a sworn certification from the lessor/owner of the building where his establishment is located, containing the statements mentioned in paragraphs 2 and 3 above.

If no Water Permit and a Sanitary/Plumbing Permit are presented as mentioned in Paragraph 2, the applicant shall be advised to secure a Water Permit from the NWRB and a Sanitary/Plumbing Permit for the well from the Office of the Building Official.

**SECTION 3. Action on the Application** - The requirements under Section 2 hereof are mandatory, and the officials authorized to act on the applications may refer the documents submitted by the applicants to the NWRB and the MWSS or its concessionaires for verification, validation or authentication. If upon evaluation, the application and the required documents are found in order and complying with the legal and technical requirements, the application shall be approved; otherwise, the same shall be denied.

**SECTION 4. Validity of Sanitary/Plumbing (Drilling/Excavation) Permit** - The issuance of a Sanitary/Plumbing (Drilling/Excavation) Permit shall not be interpreted or construed as a license to violate any provision of the National Building Code, the Water Code, the Sanitation Code and the Plumbing Code or any applicable law or ordinance.

A Sanitary/Plumbing (Drilling/Excavation) Permit issued under this Ordinance shall expire and cease to have any legal effect if the drilling/excavation work authorized thereby is not commenced within a period of one (1) year from date of issuance of said permit, or if the drilling/excavation is abandoned at any time after it has been commenced, for a period of four (4) months.

**SECTION 5. Suspension/Revocation of Sanitary/Plumbing (Drilling/Excavation) Permit** - The Building Official may suspend or revoke a permit issued under this Ordinance if it is found, after notice and hearing, that the plans and specifications are erroneous or defective, the data supplied by the applicant is false or inaccurate, or the requirements were not complied with.

**ARTICLE 4  
FEES FOR SANITARY/PLUMBING (DRILLING AND EXCAVATION) PERMIT**

**SECTION 1.** The fees for the issuance of Sanitary/Plumbing (Drilling/Excavation) Permit are as follows:

A. Processing Fee.			
For digging water	PhP	300.00	
B. Excavation Permit Fee.			
For drilling wells			
i. For 2 inch pipes:	PhP	200.00	
First 200 feet		5.00	
Over 200 ft./ft.			
ii. For 3 inch pipes:	PhP	300.00	
First 200 feet		5.00	
Over 200 ft./ft.			
iii. For 4 inch pipes:	PhP	500.00	
First 200 feet		5.00	
Over 200 ft./ft.			
iv. For 5 inch pipes:	PhP	1,000.00	
First 200 feet		10.00	
Over 200 ft./ft.			
v. For 6 inch pipes:	PhP	2,000.00	
First 200 feet			
Over 220 ft./ft.			

**ARTICLE 5  
CERTIFICATE OF USE**

**SECTION 1. Certificate of Completion.** - Upon completion of the well-drilling/excavation, a Certificate of Completion duly signed and sealed by a Registered Sanitary Engineer and NWRB Accredited Well Driller shall be submitted to the Sanitary/Plumbing Permit Section, Office of the Building Official, together with the plans/specifications and photocopies of the Sanitary/Plumbing Permit, Water Permit issued by the NWRB and a Philippine Groundwater Data Bank Well Record.

**SECTION 2. Inspection.** - Upon submission of the above-mentioned documents, the well shall be inspected by an authorized inspector of the Office of the Building Official to determine compliance with the plans, specifications and requirements.

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SECTION 3. Certificate of Use. - If the well is found to comply with the plans, specifications and requirements, the Building Official shall issue a Certificate of Use.

SECTION 4. Expiration/Renewal. - The Certificate of Use shall be valid for one (1) year from its issuance. Application for its renewal shall be made not later than one (1) month before the expiration of its validity.

SECTION 5. Fees. - The following fees shall be charged for the issuance of the Certificate of Use or the renewal hereof.

- Deep well - Php 1,000.00
- Shallow well - Php 300.00

ARTICLE 6  
WATER EXTRACTION FEES

SECTION 1. Fees. - Wells properly covered by NWRB and Sanitary/Plumbing (Drilling/Excavation) Permits shall be subject to the following monthly fees for groundwater extraction.

- Those extracting 1 to 2,000 cubic meters per month                      PhP 20.00/cu.m.
- Those extracting 2,001 to 5,000 cubic meters per month                      PhP 25.00/cu.m.
- Those extracting more than 5,000 cubic meters per month                      PhP 30.00/cu.m.

Excessive Use of water is a violation of the "use for back-up only" rule under the second paragraph of Section 1, Article II hereof. The owner and/or operator of said well shall be charged, investigated and if warranted, penalized accordingly.

SECTION 2. Penalties.

- 1) Owners and/or operators of wells without NWRB and Sanitary/Plumbing (Drilling/Excavation) Permits shall be penalized as follows:
  - a) For illegal well construction: PhP 5,000.00 or imprisonment of three (3) months or both, at the discretion of the court. The owner/operator shall file a complete application for the necessary permit within thirty (30) days from the time he/it received a written notice of violation. Failure to do so within the period given shall be sufficient ground for the forced closure of the well by the City.
  - b) For illegal use/operation of well: PhP 5,000.00 or imprisonment of three (3) months or both, at the discretion of the court. The owner/operator shall file a complete application for the necessary permit within thirty (30) days from the time he/it received a written notice of violation. Failure to do so within the period given shall be sufficient ground for the forced closure of the well by the City.
- 2) Owners and/or operators of wells with the necessary NWRB and Sanitary/Plumbing Permits; found violating the "for back-up use only" rule or using/operating a well as primary source when surface water is available, or found guilty of excessive use as hereunder defined shall be fined PhP 5,000.00. For the second or subsequent violation, the owner/operator shall be fined PhP 5,000.00 or imprisoned for three (3) months, or both, at the discretion of the Court. The second violation shall result in the forced closure of the well by the City.
- 3) Should the owner or operator/user of a well that was closed pursuant to the provisions above, open and use or operate the said well without the appropriate permits or authorization from the Building Official, he/it shall be penalized, for the first offense, with a fine of PhP 5,000.00 and imprisonment of six (6) months, and for the second or subsequent offenses, a fine of PhP 5,000.00 and imprisonment of one (1) year.
- 4) For violation of any other provisions hereof, a fine of PhP 3,000.00 for the first offense and PhP 5,000.00 for subsequent offenses.
- 5) If the owner or operator/user of the well is a corporation or partnership, the President/Chief Executive Officer and the Chief Operating Officer (COO) thereof shall be charged and if warranted, penalized under the foregoing applicable provisions.

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SECTION 3. Assistance from the MWSS and its Concessionaires. - The City may request the assistance of and/or deputize the MWSS and/or its concessionaires to conduct investigation, collection, closures, and other activities to effectively implement this Ordinance.

ARTICLE 7  
EXEMPTIONS

SECTION 1. The following shall secure the necessary Sanitary/Plumbing (Drilling/Excavation) Permit but shall be exempted from the permit fees.

- 1) All government institutions and government-owned-or-controlled corporations;
- 2) Foreign governments, embassies, consulates, and other foreign missions.

ARTICLE 8  
FILING AND PAYMENT

SECTION 1. Payment of Fees. - The fees shall be paid to the City Treasurer or his duly authorized deputies before the Sanitary/Plumbing (Drilling/Excavation) Permit is issued.

SECTION 2. Payment of Surcharge. - A surcharge of 100% of the fee imposed under Article 3 shall be collected from any person or entity, that already commenced to dig or excavate before the permit, is issued.

SECTION 3. Filing of Application. - Application for Sanitary/Plumbing (Drilling/Excavation) Permit shall be filed with the Office of the Building Official.

ARTICLE 9  
MAINTENANCE

SECTION 1. All wells and their appurtenances, and the materials and parts thereof shall be maintained in proper operating condition at all times. The potability of water, and all devices and safeguards employed to ensure the same, shall be maintained in conformance with the latest standards. Failure to maintain the well in accordance herewith shall be a ground for the suspension of the permit.

ARTICLE 10  
FINAL PROVISION

SECTION 1. Implementing Rules and Regulations. - The City Mayor with the assistance of the Building Official shall draw up the rules and regulations for the implementation of this Ordinance and to fill in the details thereof, and issue the same through an Executive Order.

SECTION 2. Separability Clause. - If any of the provisions of this Ordinance is held invalid for any reason by competent authority with appropriate jurisdiction, the remainder of this Ordinance shall not be affected thereby, and shall remain valid, effective and enforceable.

SECTION 3. Repealing Clause. - All Ordinances, rules and regulations, or part(s) thereof, inconsistent with this Ordinance are hereby repealed, modified, superseded, or amended, accordingly.

SECTION 4. Effectivity. - This Ordinance shall take effect after fifteen (15) days from date of publications in a newspaper of general circulation.

ENACTED: April 24, 2006.

ATTESTED:

EUGENIO V. JURILLA  
City Secretary

BERNADETTE HERRERA-DY  
President Pro-Tempore  
Acting Presiding Officer

APPROVED:

FELICIANO R. BELMONTE, JR.  
City Mayor

CERTIFICATION

This is to certify that this Ordinance which was APPROVED on Second Reading on April 24, 2006, was finally PASSED on Third/Final Reading by the City Council on May 8, 2006.

EUGENIO V. JURILLA  
City Secretary