

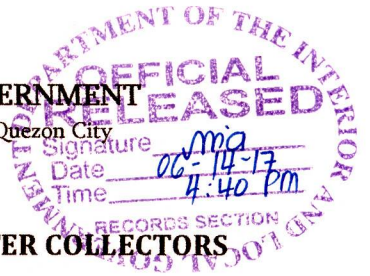


Republic of the Philippines

DEPARTMENT OF THE INTERIOR AND LOCAL GOVERNMENT

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POLICIES AND GUIDELINES ON THE CONSTRUCTION OF RAINWATER COLLECTORS

Memorandum Circular No. 2017-76
June 14, 2017

1.0 Background

- 1.1. Under Article XII Section 2 of the 1987 Philippine Constitution, all waters are owned by the State.
- 1.2. Included in the whereas clauses of Presidential Decree (P.D) No. 1067 otherwise known as the Water Code, water is vital to national development and it has become increasingly necessary for government to intervene actively in improving the management of water resources.
- 1.3. Articles 5 and 6 of P.D. No. 1067 states that water from rainfall whether natural or artificial, and rainwater falling on private lands belong to the State.
- 1.4. Framing waters under the Public Trust Doctrine, it is derived that certain natural and cultural resources (including water) is for public use and is owned by the State. The state serves as a trustee to maintain the trust (common resources/waters) for the benefit of current and future generations who are the beneficiaries.
- 1.5. Following the Precautionary Principle on environmental protection and the principle of Sustainable Development, it can be surmised that Government should push for development that meets the needs of the present without compromising the abilities of future generations to meet their needs. There is a need to prevent serious harm to the natural resource base that might threaten the capacity of future generations to provide for their own needs.
- 1.6. The concepts of intra- and inter-generational equity and responsibility entails that each part of society should contribute to the preservation of natural resources.
- 1.7. Rainwater Collection Systems (RWCS) provide a simple and cost-effective means to preserve water, reduce flooding, provide water buffer and recharge aquifers. The Act through the promotion of RWCS, intended to serve as a mechanism to promote water conservation and control flooding.

2.0 Purpose

The purpose of this policy is to ensure that local governments will include the promotion of RWCS technologies applicable at the community level and the

construction of rainwater collectors in their respective development plans and/or Climate Change Action Plans.

3.0 Legal Compliance

3.1. Section 16 of Republic Act No. 7160 which states that:

“Every local government unit shall exercise the powers expressly granted, those necessarily implied therefrom, as well as powers necessary, appropriate, or incidental for its efficient and effective governance, and those which are essential to the promotion of the general welfare. Within their respective territorial jurisdictions, local government units shall ensure and support, among other things, the preservation and enrichment of culture, promote health and safety, enhance the right of the people to a balanced ecology, encourage and support the development of appropriate and self-reliant scientific and technological capabilities, improve public morals, enhance economic prosperity and social justice, promote full employment among their residents, maintain peace and order, and preserve the comfort and convenience of their inhabitants.”

3.2. Part of the declaration under Republic Act No. 9729 otherwise known as the Climate Change Act, gives emphasis on the policy of the State to systematically integrate the concept of climate change in various phases of policy formulation.

3.3. Republic Act No. 6716 of 1989, also known as the “Rainwater Collector and Springs Development Law”, mandates the Department of Public Works and Highways to construct water wells and rainwater collectors, develop springs and rehabilitate existing water wells in barangays nationwide. Subsequently, it mandates the Barangays to maintain and sustain these water facilities.

4.0 Scope/Coverage

All Provincial Governors, City and Municipal Mayors, Punong Barangays, DILG Regional Directors, ARMM Regional Governor, and all others concerned

5.0 Policy Content and Guidelines

5.1. Construction and Installation of Rainwater Collection Systems

5.1.1. All local government public infrastructure, whenever applicable, shall pursue the construction of RWCS and the use of collected rainwater for non-potable purposes. The LGU shall seek the assistance of the DPWH District Offices in its construction, following DPWH prototype designs.

5.1.2. LGUs shall not issue building permits to applicants who qualify under Section 8 (Building Use / Occupancy Coverage and Application) of the Philippine Green Building Code of 2016 (PGBC) who, among others, fail to meet the requirements under Section 11 (Water Efficiency) of the same Code.

5.1.3. LGUs are encouraged to pass ordinances integrating RWCS in their environmental laws and subsequently granting benefits and incentives that may take the form of tax incentives to encourage compliance of establishments and structures, specially those who adopt the same, though not required to do so, under Section 8 of the PGBC.

5.1.4. LGUs shall incorporate in their Climate Change Action Plans, and their Comprehensive Development Plans the promotion and establishment of RCWS technologies.

5.2. Roles of DILG Regional Offices

5.2.1 Initiate implementation of showcase Rainwater Collection Systems in their respective Offices;

5.2.2 Seek assistance from the DPWH District Offices for the construction of RWCS using DPWH prototype designs; and

5.2.3 Cause the immediate and widest dissemination of this Memorandum Circular.

6.0 Penal Provisions

Any violation of the statutes stated herein, as well as any provisions of this Memorandum Circular, shall be subjected to administrative, civil, and/or criminal penalties.

7.0 References

7.1. The 1987 Philippine Constitution

7.2. Republic Act No. 7160 otherwise known as the Local Government Code of 1991

7.3. The Philippine Green Building Code of 2016

7.4. Presidential Decree (P.D) No. 1067 otherwise known as “A Decree Instituting a Water Code, thereby Revising and Consolidating the Laws Governing the Ownership, Appropriation, Utilization, Exploitation, Development, Conservation and Protection Of Water Resources”

7.5. R.A. No. 9729 otherwise known as “An Act Mainstreaming Climate Change into Government Policy Formulations, Establishing the Framework Strategy and

Program on Climate Change, Creating for this Purpose the Climate Change Commission, and For Other Purposes”

7.6. R.A No. 6716 of 1989 (Rainwater Collector and Springs Development Law)

7.7. DILG Memorandum Circular 2012-02, dated January 3, 2012, with subject: “Promoting the Construction of Rainwater Collectors in All Barangays in the Philippines to Mitigate the Adverse Impacts of Climate Change”

7.8. Memorandum of Agreement between DILG and DPWH for the promotion, popularization, and implementation of rainwater collection facilities

8.0 Repealing Clause

All DILG Memorandum Circulars inconsistent herewith in part or in full, are hereby modified, revoked, or repealed accordingly.

9.0 Effectivity

This Memorandum Circular shall take effect immediately.

10.0 Approving Authority


CATALINO S. CUY
OIC-Secretary

11.0 Feedback

For related queries, kindly contact the Office of Project Development Services at Telephone Nos. (02) 929 9601 or (02) 929 9406.