Republic of the Philippines
Province of Eastern Samar
Municipality of Salcedo

OFFICE OF THE SANGGUNIANG BAYAN

Authored/Introduced by: **JOSELITO C. ESQUIERDO**
Sangguniang Bayan Member

MUNICIPAL ORDINANCE NO. 2020-02
Series of 2020

AN ORDINANCE AMENDING THE "2015 MUNICIPAL WATER SYSTEM ORDINANCE", MANAGEMENT OF SALCEDO WATER SYSTEM AND IMPOSITION OF STRICT PENALITIES AND FOR OTHER PURPOSES.

BE IT ORDAINED by the Sangguniang Bayan of Salcedo, Eastern Samar in session assembled today:

ARTICLE I – TITLE, COVERAGE AND DEFINITION OF TERMS

Section 1– Title – This Ordinance shall be known as the "**AMENDED MUNICIPAL WATER SYSTEM ORDINANCE**" in the Municipality of Salcedo;

Section 2 – Coverage - This ordinance shall cover the amendment of the Municipal Ordinance No. 15-04, series of 2015 entitled "**2015 MUNICIPAL WATER SYSTEM ORDINANCE**";

Section 3 –Definition of Terms – Any interpretations to the contrary notwithstanding, the terms hereof shall mean:

a) **Water System** – A system of the entire water works components which provides water supply from water source to the distribution, maintenance and the administration of the Salcedo Municipal Water System within the territorial coverage of the Municipality;
b) **Water consumption** – A quantitative portion of water, utilized by consumer/concessionaire, generated from the standardized water meter that is subject for the computation of account for the water monthly due;
c) **Water rate** –The charges made for the use of water from the water supply;
d) **Consumer/Concessionaire** –Person, natural or juridical who has water service connection and/or concession from the water supply, either classified as residential, commercial, industrial or institutional;
e) **Residential connection** –Service water connection intended for domestic or family use;
f) **Commercial/Industrial connection** – Service water connection intended for business or venture or for business that involves manufacturing of goods;
g) **Institution/Government connection** – Service water connection intended for religious, educational, social or for similar purpose;
h) **Discount** – A five percent (5%) deduction from the water monthly bills given to senior citizens, persons with disability and solo parents;
i) **Transfer** – The process of water service connection wherein the consumer/concessionaire relocates or repositions the water service connection to another place or dwelling;
j) **Disconnection** – Severance of water service connection from SMWS either temporarily or permanent whenever the water monthly bill is not settled;
k) **Reconnection** – Restoration of water service connection by the SMWS whenever the water monthly bill is settled;
l) **Senior citizens** – Those residents of the Municipality Salcedo, who aged 60 years and up, as certified by the Office of the Municipal Social Welfare and Development through the Office of the Senior Citizens Affairs;

m) **Persons with disability** – Those residents of the Municipality Salcedo, who are physically or mentally impaired that has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities, as certified by the Office of the Municipal Social Welfare and Development through the PWD focal person;
n) **Solo parent** - Those mother or father of the Municipality of Salcedo whether married or not, who are left solo or alone with the responsibility of raising his/her child/children, as certified by the Office of the Municipal Social Welfare and Development through the Solo Parent focal person;
o) **Water supervisor** – A permanent employee of LGU Salcedo, who is accountable and responsible in the operation, management and administration of the Salcedo Municipal Water system;
p) **Municipal water board** – Organized members in-charged with the sustainability of the supply of water and care of water levels;
q) **Municipal water shed board** – Organized members in-charged in the protection, preservation and conservation of the water shed areas in the Municipality of Salcedo, Eastern Samar.

ARTICLE II –ADMINISTRATIVE PROVISIONS

Section 4 – Salcedo Municipal Water System – The Office of the Salcedo Municipal Water System, is an independent office of the Local Government Unit of Salcedo, but structured under the Office of the Municipal Engineering Office, headed by a permanent employee, in-charged in the implementation, management, operation and supervision of the water service system and the provisions of this ordinance.

Section 5 – Duties and Responsibilities –Unless otherwise provided by CSC laws and other existing laws and ordinance, the SMWS Supervisor shall perform the following duties and responsibilities:

a) Provide Plans, Programs and activities that redound to the improvement of provision of water supply and sewerage services.
b) Ensure that the provision of this ordinance and policies governing the malmanagement and operation of the water system are properly implemented;
c) Initiate review and recommend to the Local Chief Executive for the change in the policies and the improvement of water system;
d) Prepare and submit monthly, quarterly, semi-annual and annual status reports which shall include but not limited to the financial condition, revenue collections, summary of total water concessionaires, water system production and losses, inventory of various materials, manpower capacity to the Local Chief Executive;
e) Control and supervision for an effective and efficient management and operation of the water system;
f) Ensure on the establishment, operation, maintenance and repair of an efficient waterworks system to supply water for the inhabitants;
g) Regulate the construction, maintenance, repair and use of hydrants, pumps, cisterns and reservoir; protect the purity and quantity of the water supply of the Municipality;
h) Regulate the water consumption, use or wastage of water;
i) Provide mechanism for effective water collection, and
j) Regularly provide public notice/information either by posting in public places and/or in social media, whenever there is/are repairs or maintenances to be undertaken or any other problems whether natural or man-made that will cause in the delay, suspension or interruption in the delivery of water supply.

Section 6 – Municipal Water Board – There is hereby created the composition of the Municipal Water Board without compensation, who shall be responsible in the management, representation and supervision, as may be necessary, so as to ensure that the Salcedo Municipal Water System fulfils its objectives, functions and responsibilities, while seeking to protect the LGU Salcedo's general interest and create a value for the benefit of all the consumers and concessionaires;

The Municipal water board shall also secure the level of water source and provide policies and measures whenever it reaches its critical level.

Section 7–Composition -The Municipal Water Board shall be composed of the following:

Chairman:	Municipal Mayor
Vice-Chairman:	Municipal Engineer
Secretariat:	SMWS Supervisor
Members:	MENRO
	MPDC
	Municipal Health officer
	MDRRMO
	Municipal Treasurer
	Municipal Accountant
	Municipal Sanitary Inspector
	SB on Environment
	SB on Health
	2 Representatives from CSO

Article III – WATER APPLICATION, SERVICE FEES AND OTHER CHARGES

Section 8 –Water connection classification – In order to have a proper control on the utilization of water supply, there shall be a water service classification for this purpose, as follows:

a. Residential Connection
b. Commercial/Industrial Connection
c. Institution/Government Connection

Section 9 -Application for water connection –Water connection shall be available to all residents of the Municipality of Salcedo, including resident alien. An applicant shall request an application form and submit the duly accomplished application form and other requirements to the Office of the Salcedo Municipal Water System and shall pay the corresponding fees and other incidental charges, as provided in this ordinance.

An applicant for water concessionaire, shall, aside from the above-mentioned obligation, enter into a contract of water service with the Local Government Unit of Salcedo.

Section 10 –Imposition of water fees and charges – There is hereby imposed and required fees and charges for service connection by SMWS, as follows:

a. Installation/Connection Fee . . . . . Php. 500.00
(Including cost of plumbing materials
And cost of labor)
b. In case Water meter (20 mm) is provided by SMWS. . Php. 1,800.00
(Consumer may also provide their own standard water meter)
c. Inspection Fee . . . . . Php. 50.00

In cases of connection across the service line: Regular Fee (+) Equipment rental including operator (concrete cutting for 6 meters)
d. Php 100/meter . . . . . Php. 600.00

Other Charges:
e. Transfer Fee (labor only) . . . . . Php. 200.00
f. Reconnection fee (for disconnected meters) . . . . . Php. 200.00

For purposes of uniformity, the Salcedo Municipal Water System shall use pipes with ½ inch meter size. Each applicant shall be entitled to one (1) water supply connection along/within the service line/stub-out(s).

Section 11 –Provision of Materials and equipment –Materials needed for the water service connection including the water meter shall be provided by the Salcedo Municipal Water System, upon payment of the necessary fees, as determined by the SMWS inspector.

Section 12- Transfer of water service – In cases of transfer of water service connection, the consumer or concessionaire shall provide the materials needed. If, the consumer or concessionaire decides/requests that the materials will be provided by the Salcedo Municipal Water System, however, the cost shall be paid by the consumer or concessionaire as may be determined by the SMWS inspector. Further, the SMWS shall issue a water service transfer certificate to the water service transferee.

Section 13 – Water Consumption Rate– There shall be a Minimum charge to be collected by the Salcedo Municipal Water System to every water consumer/concessionaire, in the following rates:

Classification	Pipe Size	Minimum Charge (1-5 cu.m.)
Residential	½"	P130.00
Commercial	½"	P150.00
Government/Institution	½"	P160.00
	1"	P180.00
Industrial	½"	P170.00
	1"	P190.00

Whereas, upon effectivity of this ordinance, the existing monthly water flat rate computation (26.00/cu.m.) in excess of the minimum charge (1-5 cu.m.), shall be reduced by **forty five percent (45%)** and shall be imposed in an interval and in accordance with and at the reduction percentage rates established in the following schedule:

Classification	Pipe size	Excess from 5 cu.m. will have the flat rate computation	**15%** to be reduced w/n **first** year from effectivity	**30%** to be reduced by **second** year from effectivity	**45%** to be reduced by **third, fourth** year, etc. from effectivity
Residential	½"	26.00/cu.m.	P22.00/cu.m.	P18.00/cu.m.	P14.00/cu.m.
Commercial	½"	30.00/cu.m.	P26.00/cu.m.	P21.00/cu.m.	P17.00/cu.m.
Government/ Institution	½"	32.00/cu.m.	P27.00/cu.m.	P22.00/cu.m.	P18.00/cu.m.
	1"	36.00/cu.m.	P31.00/cu.m.	P25.00/cu.m.	P20.00/cu.m.
Industrial	½"	34.00/cu.m	P29.00/cu.m.	P24.00/cu.m.	P19.00/cu.m.
	1"	38.00/cu.m.	P32.00/cu.m.	P27.00/cu.m.	P21.00/cu.m.

ARTICLE IV – COLLECTION OF FEES AND CHARGES

Section 14 –Payment Collection – All fees, charges and water bills imposed under this ordinance shall be payable to the Municipal Treasurer or its authorized representative. The Municipal treasurer or its duly representative **shall not** accept partial payment when the fees, charges and water bills are due and demandable.

The Municipal Treasurer or its duly representative shall issue an official receipt with appropriate entries thereof.

Section 15 –Manner of payment in the installation– All fees and charges herein imposed shall be guided by following payment regulation:

a. New application – The applicant may be given an option to settle partial payment, equivalent to fifty percent (50%) of the total fees. Balance shall be paid in three (3) equal payments within three (3) months. The partial payment shall be settled prior to the service connection. The balance shall be added and paid together with the recurring monthly water bill consumption. Until and unless, full payment of the total required fees and charges for the water connection are completed, ownership of the water meter shall retain to the SMWS;

b. Unpaid monthly water bill – There shall be a ten percent (10%) surcharge as penalty, for the consumer/concessionaire who fails to pay the water bill obligation when becomes due, the surcharge is reflected on the water bill.

Section 16–Refusal to pay – Any person (natural or juridical) who refuse or continue its refusal without valid reason to pay its outstanding water bill obligation when becomes due and demandable, shall, aside from the penalty of disconnection imposed hereof, be liable for civil or criminal action in any competent courts.

The failure to receive a monthly water bill, shall not relieve the consumer or concessionaire his/her obligation under this ordinance.

ARTICLE V – PRIVILEGES

Section 17 –Discounts – There is hereby a five percent (5%) discount applied to the total water bill for every water meter registered in the name of;

(1) Senior Citizens;

(2) Persons with Disability; or

(3) Solo Parents, as identified by the Office of the Department of Social Welfare of Development. Provided, that the monthly water consumption shall not exceed thirty (30) cu.m. per month. Excess of the thirty (30) cu.m. per month, the regular water rate hereof shall automatically apply.

The privilege is granted per water meter in each household, irrespective of the number of senior citizens, persons with disability or solo parent residing therein.

Section 18 –How to avail the discount – To avail the discount, the senior citizen, persons with disability or solo parent, shall:

a. Apply personally or through his/her representative to avail the discount at the Office of the Salcedo municipal Water System. The privilege of discount is renewable every year beginning on the month of January; and

b. Submit the following requirements:

- Proof of Age/ disability/ solo parent
- Proof of billing (Meter should be under the name of the person claiming the privilege);
- Proof of residence.

ARTICLE VI – PROHIBITION AND DISCONNECTIONS

Section 19 – Illegal Connections – Any service line or stub-out not duly applied or registered with the Salcedo Municipal Water System, shall be prima facie illegal and shall be liable for violation of this ordinance, without prejudice to the right of the SMWS to file for a criminal and civil actions;

Section 20 –Extension of service line to another residence – It shall be prohibited for a consumer or concessionaire to have water service line connection to another household/boarding house/apartment, thereby evading the separate application and obligation for water connection before the Salcedo Municipal Water System.

Section 21 - Utilization of water – It shall be prohibited for a consumer or concessionaire to sale or engage in selling water taken from its water connection. Unless, registered as a commercial and/or industrial classification. Except for Barangay, at the rate determined through a Barangay Ordinance.

For water service connection engaged either in private/public swimming pool, the draining and refilling of the swimming pool shall be regulated by the SMWS and shall be done only twice a year.

Section 22 - Failure to pay – Failure to settle the water bill consumption for two (2) consecutive recurring months and after notice of disconnection has been sent by the SMWS. The latter shall impose **a mandatory water service disconnection** without further notice. The SMWS, may from time to time request for an assistance of a police officer from the Salcedo Municipal Police Station in the enforcement of Water Service Disconnection.

Failure to apply for reconnection before the SMWS within three (3) months from the time the water service was disconnected. The water meter shall be removed and shall be surrendered to the consumer or concessionaire, if the ownership of the water meter is already turned-over by the SMWS. Otherwise, the same shall be deposited at the General Service Officer. And after three (3) months from the time the water meter is removed, the SMWS shall have the authority to dispose or issue the same to the new applicant.

ARTICLE VII –COMPLAINTS AND REMEDY

Section 23 – Water Complaint Desk – In order to have an orderly flow of administrative complaint or protest and to discourage the proliferation of libelous remarks over social media, there shall be a water system complaint's desk at the Local Government Unit of Salcedo, who shall receive all the complaints relative to the water supply and service of the Salcedo Municipal Water System including protest and query on the amount of water bill consumption and other violations of this ordinance. The complaint/protest shall either be in writing or verbal given to the water complaint's desk.

Posting of complaint or protest, directly or indirectly at social media, like facebook, etc. shall not be treated as complaint or protest and the Salcedo Municipal Water System shall not take any action thereto.

Section 24 –Unattended complaint or protest - Failure of the SMWS to undertake any action to the complaint or protest duly filed or submitted within ten (10) days, shall cause aside from the violations of this ordinance, for an administrative charge for neglect of duty;

ARTICLE VIII – IMPLEMENTATION AND REGULATORY PROVISIONS

Section 25 – The SMWS shall issue the water bill to every house hold ten (10) days before the scheduled due date, failure to pay the water bill on due date, the SWMS shall impose a ten percent (10%) of the total water bill as surcharge. And failure the pay the water bills for two (2) consecutive recurring months, the SMWS shall issue a water bill disconnection within ten (10) days from the second month becomes due and shall give only five (5) days from the issuance of the notice of disconnection to settle the water bill obligation. Otherwise, the SMWS shall automatically disconnect the water service without further notice;

Section 26 - A consumer or concessionaire may request for reconnection or transfer of water connection. Provided, all outstanding billing accounts or obligations are settled.

Section 27 - A consumer or concessionaire may relinquish the water connection in favor to another consumer or concessionaire. Provided, that the former shall submit his/her waiver of rights and all outstanding billing accounts or obligations are settled.

Section 28 - The water meter shall be installed at the designated stub-out stands for accessible reading of the water consumption by the SMWS personnel.

Section 29 - Opening, tapping, reconnection and repair services shall be limited only up to the water meter stand assembly or Stub-outs, and shall be done only by the SMWS personnel. The repair and maintenance from the water meter stand assembly to the consumer or concessionaire's premises shall be the responsibility of the registered owner.

Section 30 - The SMWS shall not be responsible for any contamination caused or occasioned by the consumer or concessionaire's failure to comply with the pipe and fixture maintenance for connections beyond the stub-outs."

Section 31 - Damaged pipelines due to construction or other related activities caused by the registered owner or any person (natural or juridical) other than the SMWS personnel, shall be liable and responsible to immediately restore to its original state of the damaged pipelines. The SMWS may be requested to restore the damaged pipelines upon payment of the necessary fees at the Office of the Municipal treasurer."

ARTICLE IX – WATER SHED PROVISIONS

Section 32 - Municipal Water Shed Board – To promote the best interest of the public and the welfare of the people of Salcedo and for coordinated protection, preservation and conservation of the sustainable potable water supply for its inhabitants, there is hereby created the Municipal Water Shed Board in the Municipality of Salcedo.

Section 33 - Composition – The Municipal water shed board shall be composed of the following:

Chairman:	Municipal Mayor
Vice-Chairman:	Municipal Vice Mayor
Secretariat:	SMWS Supervisor
Members:	MENRO
	MPDC
	Municipal Health officer
	MDRRMO
	Municipal Treasurer
	Municipal Accountant
	Municipal Agriculturist
	SB on Environment
	LNB President
	SK Federation President
	SMPS Chief of Police
	Brgy. Chairman of the concerned area
	2 Representative from CSO

Section 34 – Functions and Responsibilities – The Municipal Water Shed Board shall have the following functions and responsibilities, to wit:

a) Adopt measures that will promote protection and preservation of the water shed area for sustainable potable water supply to the general public and to next generations;
b) Promote awareness water conservation and utilization for domestic usage in order to balance the needs of development and protection of the environment;
c) Conduct and monitor the implementation of the programs re reforestation and/or related activities in all protected and water shed areas and;
d) Review and provide assessment annually or as the need arises, the municipal program on water shed protection to ensure the sustainability, viability and effectiveness.

Section 35 – Water shed development fund – In order to secure the conservation and survival of water source for generations and to properly manage and implement the programs for the water

shed protection and preservation of the water shed areas in the municipality of Salcedo, there is hereby the water shed development fund taken from the proceeds of the annual operational income at five percent (5%), to be deposited in a separate trust fund of the Local Government Unit of Salcedo, subject to accounting rules and regulations.

To fully utilize the water shed development fund, the office of the municipal environment and natural resources shall be responsible in the preparation and implementation of plans, programs and activities for the development of water shed area, as well integration of such plans, programs and activities in the comprehensive development plan of the municipality.

ARTICLE X – PENAL PROVISIONS

Section 36 - Unlawful acts– Unless otherwise provided by law, the following shall constitute an offense under this code, including but not limited to the following:

a) Unauthorized tapping and/or connection of service pipeline to the water main distribution and other water appurtenances;
b) Unauthorized tapping and/or reconnection of disconnected service pipeline;
c) Underground connection or illegal connection of water line from the duly registered water consumer or concessionaire to the other household, both shall be liable unless the former is innocent;
d) Malicious destruction of water service system appurtenances, such as but not limited to fire hydrant, gate valves, blow-off valves, air release valve, main and distribution pipelines, water meter and structures or edifice of the water systems;
e) Unauthorized opening and/or tapping of fire hydrant and gate valves, unless in case of emergency;
f) Tampering of water meter that will result to impair the inner mechanism and affect the meter gauge reading;
g) Use of water pump of any kind to generate pressure direct from the water connection owned by the SMWS to the consumer or concessionaire's water connection;
h) Intentional contamination of the water source/s and reservoir/s, and;
i) Any other acts or omissions of similar in nature and analogous to those above-mentioned.

Section 37 - Penalty – Any person or persons (Natural or Juridical) who by act or omission:

a. Violates any provision of this ordinance or commits of any of the unlawful acts under (a-g and i), shall aside from mandatory water service disconnection, be liable for a fine of P2,500.00 or an imprisonment of not less than one (1) month nor more than six (6) months, or both at the discretion of the court, and;
b. For acts under (h), Section 36 shall be an imprisonment of not less than one (1) month nor more than six (6) months;

Further, this shall not renounce the right of the SMWS to demand payment for the estimated facilities damaged and water used/consumed by reason of the unlawful act/s;

Furthermore, the penalty under this ordinance shall not prejudice the filing of any separate administrative, criminal or civil liability.

ARTICLE XI – FINAL PROVISIONS

Section 38 – Implementation - The Salcedo Municipal Water System shall be responsible in the dissemination, operation and enforcement of the provisions of this ordinance.

Section 39 - Separability Clause – Unlawful acts which are not covered by this ordinance, but punishable under existing laws, rules and regulations. This ordinance shall be suppletory to such laws, rules and regulations, unless the latter should especially provide the contrary;

And if, for any reason, any provisions held to be invalid, the same shall not affect the other provisions hereof;

Section 40 - Repealing clause–Other provisions of Municipal ordinance No. 15-04, series of 2015 or any ordinances not carried or parts thereof inconsistent with or in conflict with the provisions of this ordinance are hereby repealed or modified accordingly.

Section 41 - Effectivity clause - This Ordinance shall take effect ten (10) days after it has been posted in two (2) conspicuous places and publication in general circulation.

Enacted and Approved: April 27, 2020 at Salcedo, Eastern Samar

I HEREBY CERTIFY to the correctness of the foregoing Ordinance which was duly adopted by the Sangguniang Bayan during its regular session on April 27, 2020.

BIBIANA A. TORRES
Secretary to the Sangguniang Bayan

Concurred by:

HON. CHRISTIAN MAY L. MACHICA
SB Member

HON. KRYSTELLE JOY A. PALCONITE
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ABC Pres./Ex-Officio Member

Attested by:

HON. MARICRIS D. FABILLAR
Vice Mayor/ Presiding Officer

Approved:

ATTY. MELCHOR L. MERGAL
Municipal Mayor