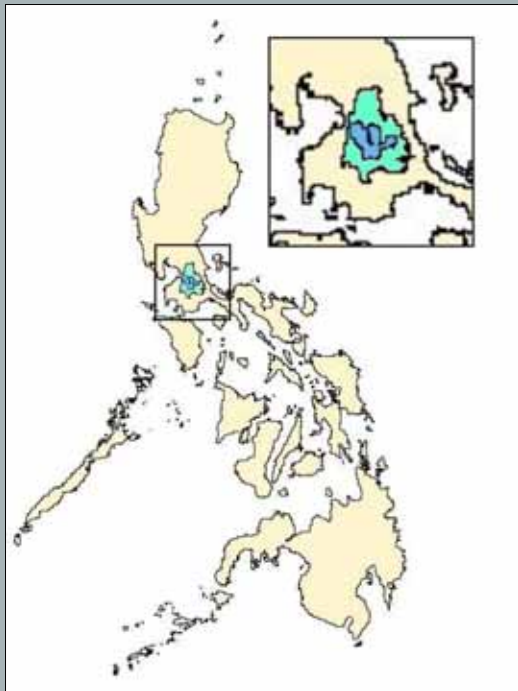


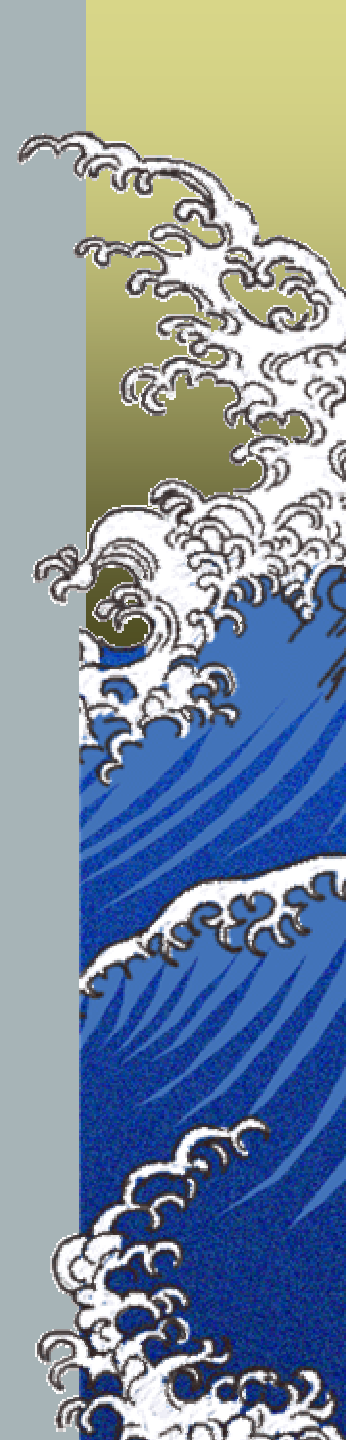


Water Right System in the Philippines



Atty. Elenito Bagalihog
NWRB

Ms. Jocelyn Siapno
LLDA



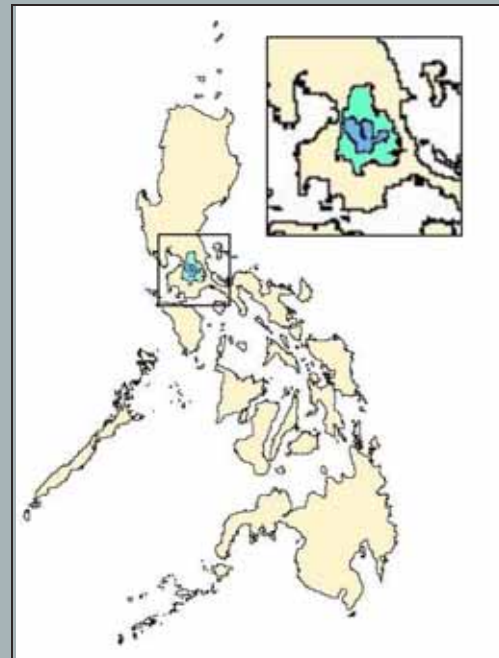
Water Right System in the Philippines

Introduction

Legal Basis
Ownership
Necessity
Permitter

Water Right

Character
Content
Limitation
Charges
Period
Register
Compulsory
Requirements
Transfer



Procedures

Criteria

Environmental
Concern

Issues

Conclusion



Procedures

Legal Basis – Article 13 Water Code of the Philippines

..no person, including government instrumentalities or Government owned or controlled corporation shall appropriate water without water right, which shall be evidenced by a document known as Water Permit

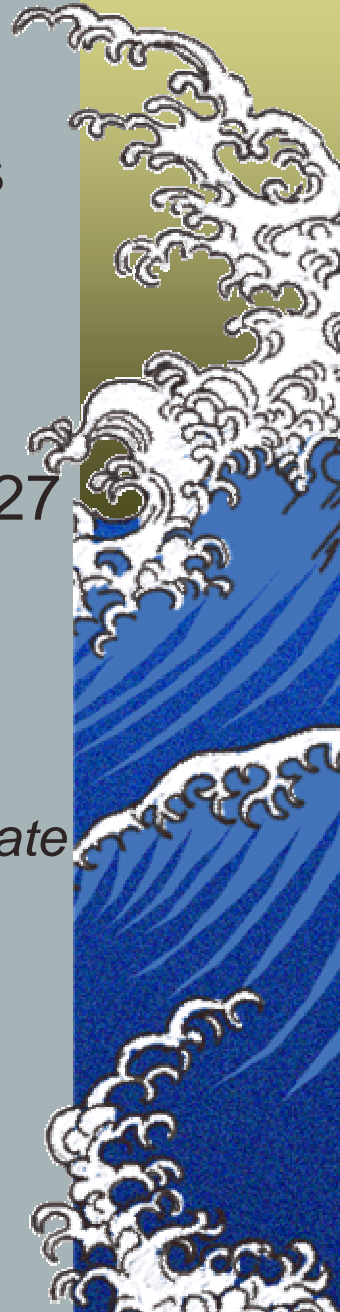
Section 3k PD 813 and Section 2 EO 927

The Authority shall have exclusive jurisdiction within the Laguna de Bay basin to issue permits for the use of the surface waters for any project or activity which may affect the lake.

Ownership – Article 3 par (a) – *All waters belong to the State*

Necessity – Article 13

Permitter – NWRB - national scope
LLDA - Laguna de Bay region



Water Right

Character – Water right is a privilege granted by government

Limitation – Art 20 and 28: measure and limit shall be beneficial use

Charges – Art 83. The Board is authorized to impose and collect fees and charges from water users except for purely domestic purpose

Content

- Purpose of use
- Point/s of diversion
- Method of diversion/extraction
- Max amount of water
- Time/s during the year when water maybe diverted
- Terms and conditions
- Annual Water charges

Requirements/Documents

- Proof of land ownership
- Location Plan
- Project description
- Articles of incorporation
- Certificate of registration
- Other requirements required by the Board



Permitted Period - No limitation or period is imposed (NWRB)
One year (LLDA)

Register

- NWRB - Water Rights Division
- LLDA - Lake Management Division (Fishery)
- IWRMD – Water Supply

Compulsory Measure – Art.91 Water Code : Fine not Exceeding P3,000 or not more than 3 yrs imprisonment (NWRB) Revocation of agreement. Administrative fine of P 5,000 For each violation + 5x cost of lake water abstracted (LLDA)

Transfer of Water Right – Art. 19 : Water Rights maybe leased or transferred in whole or in part (NWRB) Permits,consents,rights and interests granted to private abstractors are exclusive and non-assignable (LLDA)



Procedure of Permission for Water Use

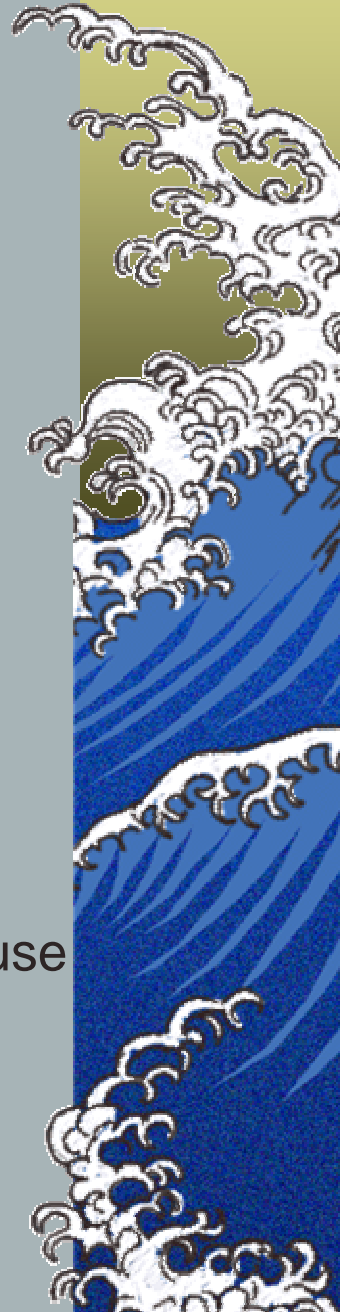
Sec.8,9,10 & 11 Water Code IRR

- Securing water permit application forms
- Payment of filing fee (P500.00)
- Posting of application (30 days)
- Investigation and studies
- Protest filed,if any
- Action on application
- MoA signing (LLDA)

Criteria for Permission

Article 16- Water Code

- Protest filed
- Prior permits granted
- Availability of water
- Water supply needed for beneficial use
- Possible adverse effects
- Land use economics
- Other relevant factors

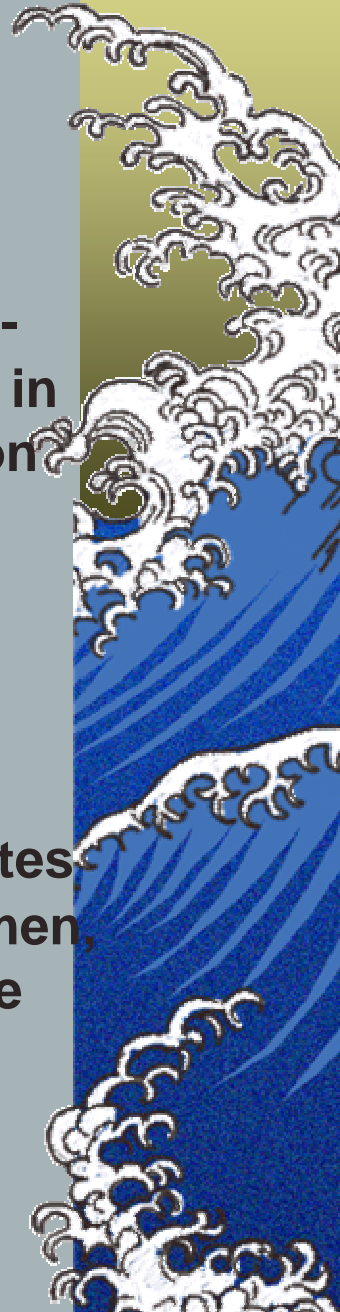


Environmental Concern

Article 72 Water Code: Due regard shall be given to ecological changes resulting from the construction of the project in order to balance the needs of development and the protection of the environment

Art.73 Conservation of fish and wildlife shall receive proper consideration

Art 73 sec.46 – Water discharge from mine tailings or wastes shall not contain minerals or other substances injurious to men, animal, aquatic life, agriculture in concentration exceeding the Maximum prescribed by National Pollution Control Commission



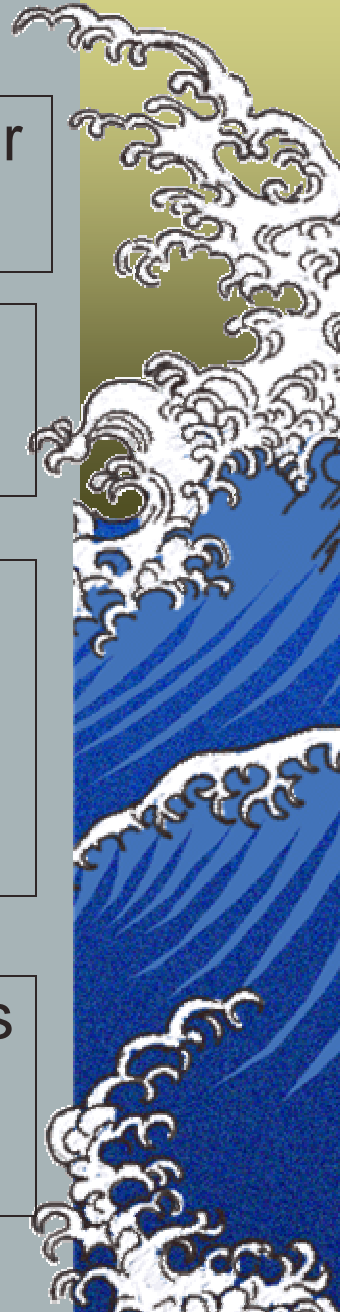
Issues

→ Conflict between new water users and existing water users

→ Conflict derived from increasing water demand Among different lake water users

→ Recurring seawater intrusion resulting to higher chloride concentration rendering the lake unsuitable for irrigation, domestic water supply but suitable for Fishery purposes

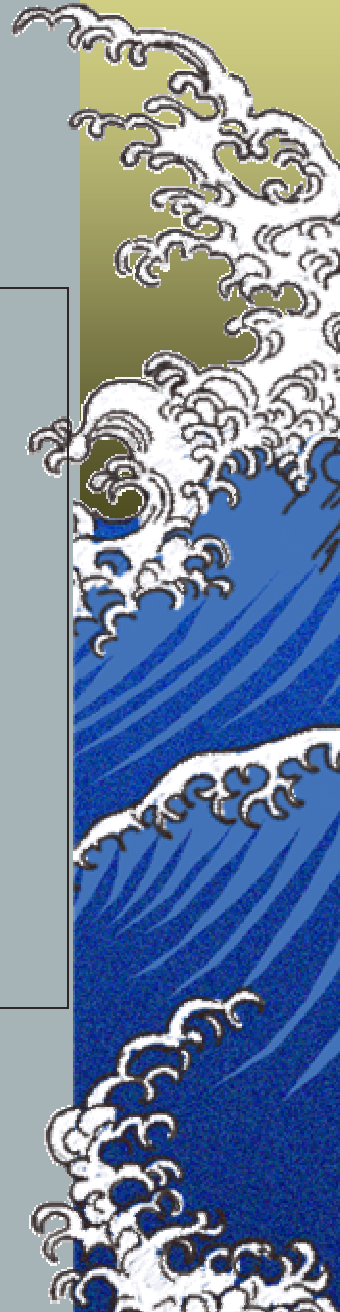
→ The presence of heavy metals and other hazardous and toxic chemicals in the lake water renders the lake inappropriate source of domestic water supply



Conclusion

Advantages of Water Right System

- Regulates excessive surface water extraction
- Resolve conflicts regarding the use of water
- Promotes efficiency in the use of water



thank you!

