



Republic of the Philippines  
**PROVINCE OF ZAMBOANGA DEL SUR**  
 SANGGUNIANG PANLALAWIGAN  
 City of Pagadian



**OFFICE OF THE SECRETARY TO THE SANGGUNIANG PANLALAWIGAN**

EXCERPT FROM THE MINUTES OF THE 78<sup>TH</sup> REGULAR SESSION OF THE 11<sup>TH</sup> PROVINCIAL BOARD, SANGGUNIANG PANLALAWIGAN OF ZAMBOANGA DEL SUR, HELD AT THE SP LEGISLATIVE BUILDING, PROVINCIAL GOVERNMENT CENTER, BARANGAY DAO, PAGADIAN CITY ON APRIL 25, 2024 AT 9:05 A.M.

<u>Sanggunian Officials</u>	<u>Positions/Designations</u>	<u>Present</u>	<u>Absent</u>	<u>Remarks</u>
HON. ROSELLER L. ARIOSIA	Vice Governor	√		
HON. CESAR C. DACAL, JR.	Chairman Pro Tempore	√		
HON. FRANCISVIC S. VILLAMERO	Floor Leader	√		
HON. JUAN C. REGALA	Assistant Floor Leader	√		
HON. BIENVENIDO L. EBARLE, JR.	SP Member	√		
HON. ROGELIO J. SANIEL	SP Member	√		
HON. MAPHILINDO Q. OBAOB	SP Member	√		
HON. JENIFER B. DIN-MARIANO	SP Member	√		
HON. RONALDO C. POLOYAPOY	SP Member	√		
HON. MARILOU V. ABRENICA	SP Member	√		
HON. HERNAN P. DELA CRUZ	SP Member	√		
HON. MONIQUE SHAIRA Y. TO	Ex-Officio Board Member, PCL	√		
HON. ROEL A. AMBAN	Ex-Officio Board Member, LnB	√		
HON. SHANER U. MABANG	Ex-Officio Board Member, SKF	√		

**PROVINCIAL ORDINANCE NO. 056-2024**

*Authored by Honorable Cesar C. Dacal, Jr.*

**AN ORDINANCE PENALIZING ILLEGAL CONNECTIONS OF WATER SUPPLY, ENCOURAGING THE PRUDENT USE OF WATER TO CURB THE DETRIMENTAL EFFECTS OF EL NIÑO PHENOMENON AND FOR OTHER PURPOSES OF THE PROVINCE OF ZAMBOANGA DEL SUR**

**WHEREAS**, Section 2 of Republic Act No. 8041 also known as “An Act to Address the National Water Crisis and for Other Purposes” states that “*It is hereby declared the policy of the State to adopt urgent and effective measures to address the nationwide water crisis which adversely affects the health and well-being of the population, food production and industrialization process. Pursuant thereto the government shall address the issues relevant to the water crisis including, but not limited to, supply, distribution, finance, privatization of state-run water facilities, the protection and conservation of watersheds and the waste and pilferage of water, including the serious matter of graft and corruption in all the water agencies.*”

**WHEREAS**, the Department of the Interior and Local Government (DILG) issued an Advisory dated 12 January 2024, addressed to all Governors, City and Municipal Mayors, DILG Regional Directors, BARMM Minister of Local Government, and all other concerned agencies, whose subject matter provides for the “*Reiteration on the Implementation of the El Niño Precautionary Measures to Expedite the Repair and Rehabilitation of Water Facilities*”, and which further states that:

**In adherence to DILG Memorandum Circular No. 2023-065 “Mitigation and Preparedness Measures for the El Niño Phenomenon 2023”, dated 25 April 2023, all LGUs are reminded to ensure the implementation of the following measures, as stipulated in the said circular, within your respective areas of responsibility.**

**4.1.1. Urgently enact ordinances curbing illegal connections and encouraging the prudent use of water, which includes using broom, instead of a water hose, in cleaning sidewalks and driveways; fixing leaky faucets; using pail or bucket, instead of hose in cleaning cars; using recycled or leftover water for houseplants; and watering gardens during the coolest part of the day.**

**4.2.1. Allow water concessionaires and water facilities to conduct emergency repair of leaks prior to securing the necessary excavation permit, provided the said permit shall be secured within a reasonable period from the commencement of the repair works; xxx**

**NOW, THEREFORE**, be it enacted by the 11<sup>th</sup> Sangguniang Panlalawigan of the Province of Zamboanga del Sur, in regular session assembled, that:

**SECTION 1. TITLE.** This Ordinance shall be known as “**AN ORDINANCE PENALIZING ILLEGAL CONNECTIONS OF WATER SUPPLY, ENCOURAGING THE PRUDENT USE OF WATER TO CURB THE DETRIMENTAL EFFECTS OF EL NIÑO PHENOMENON AND FOR OTHER PURPOSES OF THE PROVINCE OF ZAMBOANGA DEL SUR**”.

**SECTION 2. DECLARATION OF POLICY.** It is the policy of the State and of the Province of Zamboanga del Sur to provide its residents abundant supply of potable domestic, commercial and industrial water all year round; and a sustainable water supply capable of ensuring that the next generation of its inhabitants will enjoy what the current generations enjoy.

Anent thereto, this Ordinance is passed to safeguard the existing water supply, to develop the current and potential sources and preserving watershed areas in the province to address the detrimental effects of the El Niño Phenomenon.

**SECTION 3. DEFINITION OF TERMS.** This Ordinance defines the following terms and words in this manner:

- 3.1. **Anti-Pilferage** – are acts declared unlawful under Section 8 of Republic Act No. 8041 to which this Ordinance likewise restated and adopted under Section 4 of this Ordinance.
- 3.2. **Public Water Utility Concessionaire** – shall pertain to a corporation, whether private or publicly owned, which is the sole franchise holder to develop, maintain, distribute water supply in a certain area or a multitude of areas; and in doing so, such shall also be the sole entity to collect charges, fees and penalties from its consumers.
- 3.3. **Silvicultural practices** – are used to reduce inoculum load, and these include pruning and thinning lower branches to reduce humidity within the tree canopy, removing underbrush (weed control), and burning infected trees. (Bulman et al., 2013)

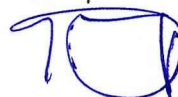
**SECTION 4. ANTI-PILFERAGE.** This Ordinance hereby declared unlawful for any persons to:

- a. Destroy, damage or interfere with any canal, raceway, ditch, lock, pier, inlet, crib, bulkhead, dam, gate, service, reservoir, aqueduct, water mains, water distribution pipes, conduit, pipes, wire benchmark, monument, or other works, appliance, machinery, buildings, or property of any water utility entity, whether public or private;
- b. Do any malicious act which shall injuriously affect the quantity or quality of the water or sewage flow of any waterworks and/or sewage system, or the supply, conveyance, measurement, or regulation thereof, including the prevention of, or interference with any authorized person engaged in the discharge of duties connected therewith;
- c. Prevent, obstruct, and interfere with the survey, works, and construction of access road and water mains and distribution network and any related works of the utility entity;
- d. Tap, make, or cause to be made any connection with water lines without prior authority or consent from the water utility concerned;
- e. Tamper, install or use tampered water meters, sticks, magnets, reversing water meters, shortening of vane wheels and other devices to steal water or interfere with accurate registry or metering of water usage, or otherwise result in its diversion in a manner whereby water is stolen or wasted;
- f. Use or receive the direct benefit of water service with knowledge that diversion, tampering, or illegal connection existed at the time of that use, or that the use or receipt was otherwise without the authorization of the water utility;
- g. Steal or pilfer water meters, main lines, pipes and related or ancillary facilities;
- h. Steal water for profit or resale;
- i. Knowingly possess stolen or tampered water meter; and
- j. Knowingly or willfully allow the occurrence of any of the above.

**SECTION 5. PRIMA FACIE EVIDENCE.** Section 9 of Republic Act No.8041, June 7, 1995, entitled "*An Act to Address the National Water Crisis and for Other Purposes*" on Prima Facie Evidence on overt acts of Anti-Pilferage as written hereunder:

Section 9. Prima Facie Evidence. The presence of any of the following circumstances shall constitute prima facie evidence of theft, pilferage, or of any unlawful acts enumerated in Section 8 hereof:

- a. The existence of illegal or unauthorized tapping to the water main or distribution pipe;



- b. The existence of any illegal connection such as a reversed meter, shortened vane wheel, bypass or other connections which adversely affect the registration of the water meter;
- c. The presence of a bored hole in the glass cover of the water meter, or at the back of or any part of the meter including the vertical vane;
- d. The presence of tampered, or fake seals on the meters. Inspection of tampered water meters shall be done in the presence of the registered water consumer;
- e. The presence of a reversed meter in the premises, insertion of rod, wire, or stick in the meter, filed or shortened vane wheel, removal or altering of any part of the meter mechanism, use of magnet and any similar illegal devices which interfere with the meter registration;
- f. Destruction of the meter protection and other metering accessories; or abnormal imprints, traces or marks found in the meter assembly;
- g. The prima facie shall not apply to tenants who have occupied the house or dwelling for ninety (90) days or less.

**SECTION 6. SPECIAL AGGRAVATING CIRCUMSTANCE.** Section 10 of Republic Act No. 8041, June 7, 1995, entitled “An Act to Address the National Water Crisis and for Other Purposes” stipulates hereunder:

Section 10. Special Aggravating Circumstances. The following shall be considered as aggravating:

- a. When the violation is committed in conspiracy with at least another person, both of whom shall be considered as principals;
- b. When the offense is committed by, or in connivance with, private plumber, officer or employee of the water utility concerned, who shall all be considered as principals; or
- c. When the violation is coupled with the sale from a source which is illegal, or unregistered, or unauthorized, or a source with a tampered meter.

**SECTION 7.** This Ordinance shall penalize person/s who committed acts as stipulated in Section 4, 5 and 6 of this Ordinance based on Section 11 of Republic Act No. 8041, June 7, 1995, entitled “An Act to Address the National Water Crisis and for Other Purposes” as written hereunder:

Section 11. Penalties. The water utility concerned shall have the right and authority to disconnect the water services, five (5) days after service of written notice to that effect, except on Sundays and holidays, without need of a court or administrative order, and deny restoration of the same, when a prima facie evidence of theft or pilferage shall have been established in accordance with Section 8 hereof: *Provided*, That a notice shall have been issued even upon discovery for the first time of the presence of any of the circumstances herein enumerated: *Provided, further*, That the water service shall not be disconnected or shall be immediately restored upon deposit, by the person concerned, of the difference in the billing made by the water utility concerned: *Provided*,

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*finally*, that the deposit shall be credited against future billings, with legal interest thereon where the alleged theft, pilferage or current diversion has not been committed, without prejudice to being indemnified for damages in accordance with the Civil Code and other existing laws.

A written notice of seventy-two (72) hours is necessary to effect water service disconnection upon the discovery for the second time of any of the circumstances enumerated in Section 4 hereof.

Any person who shall violate Section 4 hereof shall be punished by imprisonment of six (6) months to one (1) year and a fine not exceeding double the amount of the value of the water stolen or the value of the damaged facilities: *Provided, however*, That if the offender is assisted in the commission of the crime by a plumber, officer or employee of the water utility concerned, the said employee, officer or plumber shall also be punished by imprisonment of six (6) months to one (1) year: *Provided, further*, That if the water is stolen for profit or resale, the offender shall be punished the maximum penalty of one (1) year imprisonment.

If the offender is a juridical person, the penalty shall be imposed on the chairman, president, general manager, administrator, and the officers thereof who shall have knowingly permitted, or are otherwise responsible for the commission of the offense.

**SECTION 8. LIABILITY OF A PUBLIC WATER UTILITY CONCESSIONAIRE.**

Water utility concessionaires shall be liable to any of the following acts:

- 8.1. Failure to address to and repair leaking utility canal, raceway, ditch, lock, pier, inlet, crib, bulkhead, dam, gate, reservoir, aqueduct, water mains, water distribution pipes, conduit, pipes, water pipes owned by the water utility concessionaire within a reasonable time;
- 8.2. Unjustly charges its consumers overwhelmingly excessive monthly water bills without the fault of its consumers;
- 8.3. Failure to inform its consumers about impending water supply cessation;
- 8.4. Failure to address to low water supply issues in a given area within a reasonable time;

**SECTION 9. FILING OF COMPLAINTS AGAIN PUBLIC WATER CONCESSIONAIRE.** Relative to the preceding Section, affected consumers may file criminal, or civil administrative complaints against its officers, employee or board of directors of the water utility concessionaire concerned, who shall all be considered as principals in a proper forum.

**SECTION 10. REPEALING CLAUSE.** All ordinances contrary to or inconsistent with this Ordinance are hereby repealed or modified accordingly.

**SECTION 11. SEPARABILITY CLAUSE.** Should any provision of this Ordinance be found unconstitutional by the court of law, such provision shall be severed from the remainder of this Ordinance, and such action shall not affect the enforceability of the remaining provisions.

**SECTION 12. EFFECTIVITY.** This Ordinance shall take effect upon approval and compliance to the posting requirement as provided for under Republic Act No. 7160 otherwise known as the Local Government Code of 1991.

**ENACTED AND APPROVED** during the 78<sup>th</sup> Regular Session of the 11<sup>th</sup> Provincial Board, Sangguniang Panlalawigan of the Province of Zamboanga del Sur held on the 25<sup>th</sup> day of April 2024 at the Session Hall of SP Building, Provincial Government Center, Barangay Dao, Pagadian City, Philippines.

**VERIFIED:**

  
**FRANCISVIC S. VILLAMERO**  
Floor Leader

**ATTESTED:**

  
**ROSELLER L. ARIOSA**  
Vice Governor/Presiding Officer

**APPROVED:**

  
**VICTOR J. YU** 10/3/24  
Provincial Governor

**I HEREBY CERTIFY** that the foregoing is an accurate and true excerpt of the Minutes of the Session per available records of this Office:

  
  
**ANNALYN OBATE-ABSIN, RN, CESE**  
Secretary to the Sangguniang Panlalawigan