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Province of Samar
Municipality of Pinabacdao
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SANGGUNIANG PANLALAWIGAN
PROVINCE OF SAMAR
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MUNICIPAL ORDINANCE NO. 24-004

Series of 2024

AN ORDINANCE CREATING THE 2024 MUNICIPAL WATER SYSTEM ORDINANCE KNOWN AS "PINABACDAO WATER WORKS SYSTEM ORDINANCE.

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

ARTICLE 1 – TITLE, COVERAGE AND DEFINITION OF TERMS

Section 1 – Title – This Ordinance shall be known as the "**PINABACDAO WATER WORKS SYSTEM ORDINANCE**" (PWWS) in the Municipality of Pinabacdao.

Section 2 – Coverage – This Ordinance shall cover the Supply, Distribution of Treated Water to all Barangay of the Municipality.

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 Pinabacdao Water Works 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 consumption 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; Like water refilling station, Laundry, Car Wash, Restaurants, Hotels / Motel/ Pension Houses, Resorts, Bakery.
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, in a minimum of 10 cu.m.

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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 – water service disconnection from PWWS either temporarily whenever the water monthly bill is not settled;
k) Reconnection – Restoration of water service connection by the PWWS whenever the water monthly bill is settled.
l) Collector -
m) Senior Citizens – Those residents of the Municipality of Pinabacdao 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;
n) Person with Disability – Those resident of the Municipality of Pinabacdao, 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;
o) Solo Parent – Those mother or father of the Municipality of Pinabacdao whether married or not, who are left solo or alone with the responsibility of raising his/her children, as certified by the office of the Municipal Social Welfare and Development through the Solo Parent focal person;
p) Water Supervisor – A permanent employee of LGU Pinabacdao, who is accountable and responsible in the operation, management and administration of the Pinabacdao Municipal Water System;
q) Municipal Water Board – Organized members in-charged with the sustainability of the supply of water and care of water levels;

ARTICLE 11 – ADMINISTRATIVE PROVISIONS

Section 4 – Pinabacdao Water Works System – The office of the Pinabacdao Water Works System, is an independent office of the Local Government Unit of Pinabacdao, 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 and ordinance, the PWWS 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 management 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;

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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;
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 Pinabacdao Water Works System fulfils its objectives, functions and responsibilities, while seeking to protect the LGU Pinabacdao'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:		PMWS Supervisor
Members:		MENRO
		MPDC
		Municipal Health Officer
		MDRRMO
		Municipal Treasurer
		Municipal Accountant
		Municipal Sanitary Inspector
		SB Chairperson on Environment
		SB Chairperson on Health

Article 111 – 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 purposes, 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 Pinabacdao, including resident alien. An applicant shall request an application form and submit the duly accomplished application form and other

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requirements to the office of Pinabacdao Municipal Water System and shall pay the corresponding fees and other incidental charges, as provided in this ordinance;

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

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

a) Installation/Connection Fee (membership) ..... Php 700.00
b) Transfer Fee (Labor only) ..... Php 200.00
c) Reconnection fee (for disconnected meters) ..... Php 200.00

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

Section 11 – Provision of Materials and Equipment – Materials needed for the water service connection including the water meter shall be provided by the Pinabacdao Water Works System upon payment of the necessary fees, as determined by the PWWS 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 PWWS, however, the cost shall be paid by the consumer or concessionaire as may be determined by the PWWS inspector. Further, the PWWS 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 Pinabacdao Water Works System to every water consumer/concessionaire, in the following rates:

Classification	Pipe Size (diameter, Inch)	Minimum Charge (1-10 cu.m.)
Residential	½" diameter	P 100.00 per mo + P 10.00 per cu.m. in excess of 10 cu. meter
Commercial	½" – 1" diameter	P 150.00 per mo. + P 15.00 per cu.m. in excess of 10 cu. meter

ARTICLE 1V – 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.

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The Municipal Treasurer of 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 the following payment regulation:

a) New applicant – 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 PWWS;

ARTICLE V – PRIVILEGES

Section 16 – 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 and Development. Provided, that the monthly water consumption shall not exceed Ten(10) cu.m. per month. Excess of the Ten (10) 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 17 – How to avail the discount – To avail the discount, the senior citizen, persons with disability or solo parent, shall:

- Apply personally or through his/her representative to avail the discount at the office of the Pinabacdao Water Water System. The privilege of discount is renewable every year beginning on the month of January; and
- Submit the following requirements:
    a. Proof of Age/disability/solo parent
    b. Proof of billing (Meter should be under the name of the person claiming the privilege);
    c. Proof of residence.

ARTICLE VI – PROHIBITION AND DISCONNECTIONS

Section 18 – Illegal Connections – Any service line or stub-out not duly applied or registered with the Pinabacdao Water Works System, shall be prima facie illegal and shall be liable for violation of this ordinance, without prejudice to the right of the PWWS to file for a criminal and civil actions;

Section 19 – Extension of service line to another residence – It shall be prohibited for a consumer or concessionaire to have water service line connection to another

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household/boarding house/apartment, thereby evading the separate application and obligation for water connection before the Pinabacdao Water Works System.

Section 20 – Utilization of Water – It shall be prohibited to 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.

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

Section 21 – 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 PWWS. The latter shall impose a mandatory water service disconnection without further notice. The PWWS, may from time to time request for an assistance of a police officer from the Pinabacdao Municipal Police Station in the enforcement of Water Service Disconnection.

Failure to apply for reconnection before the PWWS within three (3) months from the time the water service was disconnected. The water meter shall be taken and shall be deposited at the office of PWWS.

ARTICLE V11 – COMPLAINTS AND REMEDY

Section 22 – Water Complaint Desk – In order to have an orderly flow of administrative complaint of 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 Pinabacdao, who shall receive all the complaints relative to the water supply and service of the Pinabacdao Water Works 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 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 PMWS shall not take any action thereto.

Section 23 – Unattended complaint or protest – Failure of the PWWS 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 24 – The PWWS 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 PWWS shall impose a ten percent (10%) of the total water bill as surcharge. And failure to pay the water bills for two (2) consecutive recurring months, the PWWS 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 PWWS shall automatically disconnect the water service without further notice;

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Section 25 – A consumer or concessionaire may request for reconnection or transfer of water connection. Provided, all outstanding billing accounts or obligation are settled.

Section 26 – 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 or rights and all outstanding billing accounts or obligations are settled.

Section 27 – The water meter shall be installed at the designated stub-outs stands for accessible reading of the water consumption by the PWWS personnel.

Section 28 – 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 PWWS 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 29 – The PWWS 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 30 – Damaged pipelines due to construction or other related activities caused by the registered owner or any person (natural or juridical) other than the PWWS personnel, shall be liable and responsible to immediately restore to its original state of the damaged pipelines. The PWWS may be requested to restore the damaged pipelines upon payment of the necessary fees at the office of the Municipal Treasurer.

ARTICLE X – PENAL PROVISIONS

Section 31 – 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 or 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 to the consumer or concessionaire's water connection;
h) Intentional contamination or the water source/s and reservoir/s, and;
i) Any other acts or omissions of similar in nature and analogous to those above-mentioned.

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HON. ROSEMARIE T. BADENAS HON. NIÑO A. RAGA HON. REYNALDCO C. TUAZON HON. WILMA P. ESOY HON. JOSEPH LIDANE O. GACULA

Section 32 – Penalty – Any person or persons (Natural or Juridical) who by act or omission:

1. Violates any provision of this ordinance or commits of any of the unlawful acts under (a-g and i) section 32, shall aside from mandatory water service disconnection, be liable for a fine of P 2,500.00 or an imprisonment of not less one (1) month or not more than six (6) months, or both at the discretion of the court, and;
2. For acts under (h) section 32 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 PWWS to demand payment for the estimated facilities damaged and water use/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 X1 – FINAL PROVISIONS

Section 33 – Implementation – The Pinabacdao Water Works System shall be responsible in the dissemination, operation, maintenance, quality of water and enforcement of the provisions of this ordinance.

Section 34 – 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 36 – 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.

Done, in the Municipality of Pinabacdao, Samar, this 8th day of April in the year of 2024.

UNANIMOUSLY APPROVED.

HON. JOSE SANTIAGO T. QUIJANO
SB Member

HON. ELISEO B. CABORNAY JR
SB Member

HON. JOEL R. PACAYRA
SB Member

HON. NESTOR C. OCENAR
SB Member

HON. ARLYN C. MABUTE
SB Member

HON. ROSEMARIE T. BADENAS
SB Member

HON. NINO A. RAGA
SB Member

HON. REYNALDO C. TUAZON
SB Membe

HON. WILMA P. ESOY
ABC Pres./Ex-Officio Member

HON. JOSEPH ULDANE O. GACULA
SK Fed. Pres./Ex-Officio Member

I HEREBY CERTIFY the correctness of the foregoing Municipal Ordinance which was duly adopted by the Sangguniang Bayan of Pinabacdao, Samar during its regular session.

MARY BERNADETTE T. QUIJANO
Secretary to the Sangguniang Bayan

ATTESTED:

HON. EDGAR M. TONELETE
Vice- Mayor/Presiding Officer

APPROVED:

HON. TEODORICO A. MABAG
Municipal Mayor
11 APR 2024
(Date Signed)