

FINAL REPORT

Supporting NWRB's Pilot Provincial Water Resources Management Council in Region 7

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Study undertaken with the support of the United States Assistance for
International Development (USAID) and the United States – Asia
Environmental Partnership (USAEP)

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List of Abbreviations and Acronyms

BANGON	- Bohol Alliance of Non-Governmental Organizations
BEMO	- Bohol Environmental Management Office
BFAR	- Bureau of Fisheries and Aquatic Resources
BIWRMT	- Bohol Integrated Water Resources Management team
BOHECO	- Bohol Electric Company
BOWAC	- Bohol Watershed Advisory Council
CCPL	- Central Cebu Protected Landscape
CPC	- Certificates of Public Convenience
CDC	- Cebu City Development Council
CUSW	- Cebu Uniting for Sustainable Water
CWA	- Clean Water Act
DA	- Department of Agriculture
DENR	- Department of Environment and Natural Resources
DILG	- Department of Interior and Local Government
DOH	- Department of Health
DPWH	- Department of Public Works and Highways
EMB	- Environmental Management Bureau
GSO	- General Services Office
GTZ	- German Technical Cooperation
IATF	- Inter-Agency Task Force for Cebu Water
IWRM	- integrated water resource management
LGUs	- local government units
MCWD	- Metro Cebu Water District
MGB	- Mines and Geosciences Bureau
MOA	- Memorandum of Agreement
NAPOCOR	- National Power Corporation
NEDA	- National Economic and Development Authority
NGAs	- national government agencies
NGOs	- non-governmental organizations
NIA	- National Irrigation Administration
NIPAS	- National Integrated Protected Areas System
NWRB	- National Water Resources Board
OPA	- Office of the Provincial Agriculturist
OPV	- Office of the Provincial Veterinarian
PAMB	- Protected Area Management Boards
PCEEM	- Philippines- Canada Environmental Management
PCD	- Provincial Development Council
PENRO	- Provincial Environment and Natural Resources Office/r
PEO	- Provincial Engineer's Office
PHO	- Provincial Health Office/r
PNOC	- Philippine National Oil Corporation
PO	- people's organizations
PPDO	- Provincial Planning and Development Office/r
PW4SP	- Provincial Water Supply, Sewerage and Sanitation Project
PWSDC	- Provincial Water and Sanitation Development Council of Oriental Negros
TA	- Technical Assistance
TWG	- technical working group
USAID	- United States Assistance for International Development
USC-WRC	- University of San Carlos – Water Resources Council
Water REMIND	- Water Resources Management Through Integrated Development
WRMB	- Water Resources Management Board of Cebu
WSSMO	- Water Supply and Sanitation Management Office

Executive Summary

1.0 Background:

The Philippines had adopted Integrated Water Resources Management as its overall framework for water resources management in the country. The National Water Resources Board (NWRB) which is the government body mandated to formulate and adopt policies and guidelines on water resources development and management, effect inter-sectoral and inter-departmental coordination of water plans and programs and regulate and control the utilization, exploitation, development, conservation and protection of the country's water resources would now like to pilot a decentralized integrated management of water resources in Region VII.

2.0 Objective and Scope of Technical Assistance

This technical assistance aims to support the NWRB's efforts to pilot a Regional Water Council for Region 7. Specifically, the consultant will assist the NWRB in the set up of a Regional Council for Region 7 that is consistent with the establishment of water quality management areas under the Clean Water Act (CWA); in the formation of the pilot Regional Council's governance and management structures.

3.0 Methodology

Secondary data including workshop reports and studies of water-related projects and programs in the region were reviewed. One-on-one meetings with key stakeholders and other donors working on water-related matters in the region were held. Consultative workshops with the various stakeholders in the four provinces as well as the regional Development Council for Region 7 were conducted. Discussions were also held with the NWRB to get a better understanding of their policy and institutional directions.

4.0 Findings and Recommendations

4.1 Findings

The urgency to properly manage their water resources and to improve the coordination among various sectors is already felt in Region VII. Some initiatives are already ongoing in all the four provinces, notable among which is the German Technical Assistance that helped the four provinces develop their Provincial Water Supply, Sanitation and Sewerage Plans.

In addition to this, Bohol already established the Bohol Integrated Water Resources Management Team in January 2004 to also serve as the counterpart of the GTZ project and address the water supply and sanitation problems of the province. To serve as the advocacy body and working group for the creation of the Bohol Network of Watersheds, the Bohol Watershed Advisory Council was also created in June 2005. On the other hand,

Oriental Negros had also created their Provincial Water and Sanitation Development Council in 2003 to ensure the coordinated and systematic planning and implementation of water supply and sanitation programs and projects within the province.

Given the critical state of water resources in Cebu City and in Cebu province, it is understandable that the city and the province have the most number of initiatives. To improve coordination among the various players and to ensure the integration of concerns, policies and actions for the protection, conservation, rehabilitation, management and development of Cebu's water resources, watersheds and aquifers, an Inter-Agency Task Force (IATF) on Cebu Water Resources Management composed of the DENR, NWRB, DILG, DPWH, CUSW, NEDA was created through an executive instruction from the President on July 2002. The stakeholders worked for the consolidation of the five (5) national integrated protected areas system (NIPAS) areas in Central Cebu (namely the Mananga watershed, the Kotkot-Lusaran watershed, the Buhisan watershed, the Sudlon National park and the Central Cebu National Park) into the Central Cebu Protected Landscape (CCPL). They also agreed to establish a pilot Cebu Water Resources Management Council that will initially focus on Central Cebu.

Another initiative under the Water Resources Management Through Integrated Development (Water REMIND) project of University of San Carlos-Water Resources Council (USC-WRC) supported by the Netherlands government aims to put in place an institutional mechanism to strengthen the coordination among key players on water resources management in Cebu. From a Steering Committee for the project, Gov. Gwen Garcia, Governor of the province of Cebu, Mayor Tommy Osmena, Cebu City Mayor, Clarence Baguilat, Regional Executive Director of DENR and Juan Saul Montecillo, Chairperson of the Metro Cebu Water District (MCWD) signed a statement of cooperation on March 11, 2005 for the establishment of the Water Management Board of Central Cebu. The Governor and the Mayor co-chair the said Board. The Board will work towards the establishment and implementation of an integrated and coordinated long-term plan parallel to forecasted water needs and related demands to provide rational and strategic solutions.

4. 2 Recommendations

It is strongly recommended that the piloting of the integrated water resources management council in the four provinces build on these existing initiatives. As a matter of policy, existing institutional structures and coordinative mechanisms should be tapped to undertake the work rather than create new ones. It is thus recommended that a multi-sectoral body composed of representatives of the key stakeholders in each province be established to serve as the Integrated Water Resources Management Council (IWRM Council) of the Province. In order to build on and strengthen existing institutional arrangements and structures, it is also strongly recommended that this Council be considered a special body of the existing Provincial Development Council, specifically focusing on water resources management issues of the concerned province.

To be truly inclusive and to make sure that the perspectives of all stakeholders are considered in planning and decision-making, it is further recommended that all the sectors be represented in the Council. This includes the various levels of the local government (province, city/municipalities, barangays), the provincial offices of the national government agencies, the business sector, the water districts, farmers' groups, the academe, the NGOs and the people's organizations concerned with water.

Since the Clean water Act also provides for the creation of a Water Quality Management Board for each water quality management area, it is strongly recommended that the proposed provincial IWRM Council also serve as the Water Quality Management Board. Rather than have a proliferation of multi-sectoral bodies within the province, the IWRM Council can also take on the work of water quality management. After all, water quality management is just one of the components of integrated water resources management.

To comply with the requirements of the Clean Water Act for the DENR to chair the Water Quality Management Board, it is also proposed that the DENR representative in the province (meaning the Provincial Environment and Natural Resources Officer or PENRO) serve as the co-chair of the IWRM Council.

While all the provinces will have an IWRM Council that represents the tri-partite cooperation among government, the business sector and civil society, the level of participation and extent of membership of each group in the Council is left to each province to decide. Should the membership of the Council become too big, then it is also recommended that an Executive Committee to oversee the implementation of plans and decisions of the Council be created. The Executive Committee can have 5 to 7 multi-sectoral members with the Governor as the Chair.

In the case of Negros Oriental, since a Provincial Water Supply and Sanitation Development Council already exists, it is proposed that this Council simply be renamed the IWRM Council and its membership and its functions expanded so that it can serve as the pilot IWRM Council for the province. The same is true for Cebu City where the existing Water Management Board can also function as the IWRM Council for the City with its membership expanded to include representatives from civil society and the private sector.

To provide technical inputs to the Council and the Executive Committee, a technical working group should also be formed. This TWG should handle all the components of integrated water resource management--water supply, sanitation and sewerage, watershed protection and management and water quality management. The TWG can be chaired by either the Provincial Planning and Development Office or the Provincial Environment and Natural Resources Office (if such an office is already functioning) with the NWRB field office as co-chair. The provinces may opt to have three different TWGs for each major area of concern or just have one overall TWG.

In the case of the province of Bohol, since they already have two (2) TWGs (for water supply, sanitation and sewerage and for watershed protection and management), it is

proposed that these existing TWGs be allowed to continue their work. However, it is proposed that the membership of each TWG be expanded to include representatives from other sectors. Only a third TWG focusing on water quality needs to be created. This 3rd TWG will also serve as the technical arm of the province to comply with the requirements of the Clean Water Act.

To support the workings of the Council, the Executive Committee and the TWGs, a secretariat should also be assigned. To again build on existing institutional arrangements and mandates, it is proposed that the PPDO function as the secretariat. The PPDO is already in charge of coordinating all development planning efforts in the province and is thus in the best position to assume this role. The field office of the NWRB can serve as the co-chair of the secretariat.

It is further proposed that the NWRB implement both decentralization and a devolution process. Decentralization will be done through the creation of a field office in the Visayas. This NWRB Field office will serve as the technical arm of the local IWRM Council and also support the PPDO as the secretariat of the Council. On the other hand, devolution will be undertaken through the transfer of some of the powers and functions of the Board, including regulatory powers such as the grant of water permits, the setting of water rates, the adjudication of conflicts, to the Province. This can be undertaken through the signing of a Memorandum of Agreement (MOA) between the province and the Board. The Provincial Board can pass a resolution authorizing the Governor to sign the MOA. In the same manner, the NWRB Board can pass a resolution authorizing the Executive Director to sign the MOA.

It is further recommended that the devolution of powers and functions of the NWRB to the province be undertaken in a phased manner. This should take into consideration the technical capability of the province to effectively carry out the said functions to be devolved. In the initial phase, it is strongly recommended that priority be given to strengthening existing local capacity. NWRB should actively seek the support of some international partners to carry out this capacity building effort as soon as possible.

Since the Water Code of the Philippines (Article 80, Chapter VII) provides that “the Council (now the Board by virtue of Executive Order 124-0A, series of 1987) may deputize any official or agency of government to perform any of its specific functions or activities”, it is recommended that the NWRB’s powers and functions be devolved to the province rather than the Council itself. Given the fact that the Council is not a formal and legal government agency, the NWRB will be legally constrained to devolve any powers and functions to it.

In this connection, the multisectoral Council will serve as an advisory body to the province with the province, through its Governor, actually making the final decision and the Governor issuing/ signing permits, decisions and orders. Technical inputs to justify any plan or decision will be provided by the multi-sectoral technical team comprising the TWG. This will also ensure that decisions are grounded on sound scientific basis and are thus not subjective.

The NWRB should serve as the appeals body for any contested decisions of the provincial IWRM Council. At the same time, decisions and plans that affect more than one province should be brought to the national body NWRB.

5.0 Conclusions

The proposed five pilot provincial and city IWRM Councils are to be governed differently. This took into consideration existing and past local initiatives as well as local sensitivities and preferences. They, therefore, provide a fertile ground for learning. The actual experiences of these pilot Council will provide important lessons which can then guide national decision-makers on how best to proceed with a more decentralized management of the water resources in the country.

It is proposed that the implementation of these pilot councils be undertaken as soon as possible and that the concerned national government agencies/bodies provide the needed support to enable them to become effective. The NWRB should closely monitor their implementation so that problems/constraints encountered in the course of actual implementation are immediately addressed. A venue for the sharing of the experiences of the five pilot areas should also be provided.

It is envisioned that through this effort, a more coordinated and effective management of our limited water resources will allow us to meet the various water needs of different users, improve the health and quality of life of our people and move the country towards sustainable development.

FINAL REPORT

I. Background

If water resources are to be properly managed, most water resources literature point to integrated water resource management (IWRM) and management at the river basin level as the approaches to be adopted. Experience worldwide and in the Philippines highlight the importance of these approaches. By using the IWRM framework, water resources are managed in a comprehensive and holistic manner – taking into consideration the source (watershed), the different kinds and volume of water (surface water, groundwater, rain water) and water quality. At the same time, basin management involves decentralization or managing water resources at the lowest appropriate level. This in turn allows for the whole array of resources and uses in the basin to be taken into account in planning and decision-making. It also allows for more public participation of all stakeholders and thus enables decision-makers/planners to manage the resource based on a better understanding of the local conditions.

Recognizing these advantages, the government of the Philippines had adopted Integrated Water Resources Management as its overall framework for water resources management in the country. The National Water Resources Board (NWRB) which is government body mandated to formulate and adopt policies and guidelines on water resources development and management, effect inter-sectoral and inter-departmental coordination of water plans and programs and regulate and control the utilization, exploitation, development, conservation and protection of the country's water resources would now like to pilot this decentralized management of water resources in Region VII. It is necessary to do so in Region VII because of the seriously threatened sustainability of water resources and consequent scarcity of water supply in the region. As noted in past studies, Metro Manila and Metro Cebu, while being the most urbanized and industrialized regions in the country are also the two of the areas in the country where water resources have reached critical levels. Region VII also presents an opportunity for easy implementation since the political region is the same as the water resource region (based on hydrologic studies).

II. Objective and Scope of this Technical Assistance

The consultant is tasked to support the NWRB's efforts to pilot a Regional Water Council for Region 7. Specifically, the consultant will assist the NWRB in the set up of a Regional Council for Region 7 that is consistent with the establishment of water quality management areas under the Clean Water Act (CWA); in the formation of the pilot Regional Council's governance and management structures.

While the development and conduct of capacity-building activities was originally part of the scope of work, this was subsequently dropped, given the limited time and resources available for the TA.

III. Methodology

The consultants relied on the review of secondary data including reports and studies of water-related projects and programs in the region, one-on-one meetings with key stakeholders and other donors working on water-related matters in the region, workshops and consultative meetings with the various stakeholders. Discussions were also held with the NWRB to get a better understanding of their policy and institutional directions.

IV. FINDINGS AND RECOMMENDATIONS

IV.1 General

It is recommended that a multi-sectoral body composed of representatives of the key stakeholders in each province be established to serve as the Integrated Water Resources Management Council (IWRM Council) of the Province. In order to build on and strengthen existing institutional arrangements and structures, it is also strongly recommended that this Council be considered a special body of the existing Provincial Development Council, specifically focusing on water resources management issues of the concerned province.

Section 5 of the Clean Water Act (Republic Act No.9275 enacted into law on February 4, 2004) also provides for the designation of certain areas as water quality management areas and for the management of these areas to be lodged with a Governing Board composed of representatives of mayors and governors of member-LGUs, and representatives of relevant national government agencies, duly registered non-government organizations, the water utility sector and the business sector. To avoid the proliferation of many multi-sectoral bodies, rather than create a separate Governing Board, it is also strongly recommended that the proposed provincial IWRM Council already serve as the Governing Board of the province-wide water quality management area.

It is proposed that the NWRB implement both decentralization and devolution processes:

- Decentralization through the creation of a field office in the Visayas that will not, however, operate by itself like the central office of the NWRB. This NWRB Field office will serve as the technical arm of the local IWRM Council and also support the PPDO as the secretariat of the Council.
- Devolution through the transfer of some of its powers and functions, including regulatory powers, to the Province.

It is recommended that the devolution be to the Province rather than the Council itself since the Council is not a formal and legal government body. Existing laws, notably, the Water Code of the Philippines (Article 80, Chapter VII) provides that “the Council (now the Board by virtue of Executive Order 124-0A, series of 1987) may deputize any official or agency of government to perform any of its specific functions or activities”.

In this connection, the multi-sectoral Council will serve as an advisory body to the province with the province, through its Governor, actually making the final decision and the Governor issuing/ signing permits, decisions, orders and plans.

Scope

It is proposed that the Council be in charge, not only of water supply, but also of all aspects of integrated water resources management. It will cover water supply from all sources of freshwater (ground water, surface water and rain water), the protection and/or rehabilitation of the water source, the watersheds, as well as water quality management. As noted in the statement of work for this technical assistance, it is envisioned that the creation of the IWRM body will be consistent with the requirement of the Clean Water Act for the establishment of Governing Boards for each water quality management area. This will avoid the proliferation of several multi-sectoral bodies at the local level and will allow for a truly comprehensive and integrated management of the water resource.

Powers and Functions

The Provincial IWRM Council will serve as the apex body for integrated water resources planning and management within the province. As such it will:

- 1) Develop, integrate and recommend policies, plans, and actions for the protection, conservation, rehabilitation, management and development of water resources;
- 2) Harmonize the development, management, control, and regulation of land use and developments in the watersheds and protected areas and monitor the implementation of laws and regulations governing the management and development of land, water resources, water supply and sanitation;
- 3) Provide advice, technical, and other forms of assistance, such as formulation of forest land use plans, watershed management plans, water quality management plans and development of local water sources and supply systems;
- 4) Strengthen stakeholder linkages and institutionalize government-civil society - private sector partnership;
- 5) Establish, operationalize and maintain water resources and land management information system (MIS) in coordination with other projects;
- 6) Identify environmental indicators compatible or complementary with national indicators that can be used to monitor and report on attainment of the environmental objectives;
- 7) Conduct relevant research activities ;

- 8) Secure from any government department, bureau, office, board, agency, instrumentality, project, or unit such assistance and cooperation as may be needed, such as personnel support, technical information, maps, photos, imageries, and others, the preparation and submission of reports, plans, recommendations and relevant documents, as it may require; and,
- 9) Design and conduct information, education and communication campaigns for strong stakeholder participation in water governance;
- 10) Monitor and enforce NWRB and other relevant rules and regulations to ensure that the taking, appropriation, diversion and use of water resources are in accordance with the Water Code of the Philippines and the rules and regulations of the NWRB and the DENR.
- 11) Regularly monitor and evaluate the quality of the water bodies and adopt rules and regulations for its protection.
- 12) Monitor and evaluate the performance of existing water permittees, identify illegal water users and take appropriate action.
- 13) Promote incentives for water conservation and reuse opportunities and rainwater harvesting;
- 14) Exercise all the functions necessary, relevant, and incidental to accomplish the purposes and objectives for which the Council is organized consistent with existing national government policies.

Composition of the IWRM Body

To be truly representative of all the local stakeholders, it is recommended that the Council be multisectoral in nature. At the very least, it should reflect the tripartite cooperation among government (both national and local), the business sector and civil society (NGOs/POs). It can be composed of representatives from the local government units (the province, the cities, municipalities and barangays, local representatives of concerned national government agencies (such as DENR, NWRB, DA, DILG, PNOC, NAPOCOR), the private sector (business), water users such as the water districts, NIA and farmers groups, civil society (NGOs and People's Organizations) and the academe.

It is recommended that the Council be chaired by the Province through its Governor. The Provincial Governor is already given the powers, duties and functions by Section 465(b)(3)(v) of the Local Government Code (Republic Act 7160) to adopt adequate measures to safeguard and conserve land, mineral, marine, forest and other resources. In addition, Section 17(b)(3)(iii) and (viii) also mandates the province to enforce forestry

laws and other laws on the protection of the environment and provide inter-municipal waterworks, drainage and sewerage, flood control and irrigations systems.

Since the Clean Water Act categorically provides that the Governing Board of the Water Quality Management Area is to be chaired by the representative of the DENR, it is suggested that the PENRO serve as co-chair of the IWRM Council. The Council may also opt to have another co- chair representing the civil society or the private sector.

Governance Structure

At the top of the governance structure is the IWRM Council itself, that is composed of all the multi-sectoral members. Since this body may be too big and it may be difficult to get a quorum for every meeting, the creation of an Executive Committee is also recommended. The Executive Committee will oversee the actual implementation of the plans developed and decisions approved by the IWRM Council, Both of these bodies are to be chaired by the Governor with the DENR as the co-chair (as explained above). The province, however, may opt to also have other co-chairs from the private sector or civil society.

To provide support to the operations of the Council and the Executive Committee, a secretariat headed by the Provincial Planning and Development Office (PPDO) is also proposed. The PPDO is the logical unit to undertake this function, since it already coordinates development planning within the province. It also has the macro perspective having looked at development from a wider and integrative perspective rather than a purely sectoral one. This will help ensure that the water resources management plans that will be developed are consistent with the thrusts of the province and of national government. Like any secretariat of other bodies, this secretariat will prepare and document the meetings, organize and supervise the implementation, decisions and recommendations of the council and liaise with all concerned groups to ensure better coordination in planning, policy-making and implementation.

To provide technical inputs to decisions and plans of the Council, it is recommended that multi-sectoral technical working group/s (TWG) also be formed. These are to be composed of technical representatives of concerned units/divisions/departments of the provincial government and concerned national government agencies, as well as the private sector, civil society and the academe.

The provinces may opt to initially create only one TWG that will handle all the aspects of integrated water resources management or it may create three TWGs, with each one dealing with water resources assessment and regulation, watershed management and water quality management.

On water quality, Section 5 of the Clean Water Act provides that the Governing Board of each water quality management area shall create a multi-sectoral group to “establish and effect water quality surveillance and monitoring network including sampling schedules and other similar activities. The group shall submit its report and recommendations to

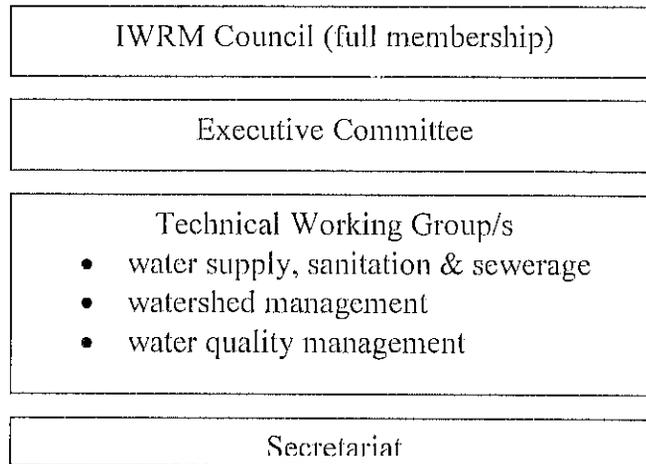
the chairman of the Governing Board.” The provincial TWG can thus also act as the multi-sectoral group mentioned in the CWA and will serve as the LGUs compliance with the said provision. At the same time, it will take the lead in ensuring the compliance of the LGU with its designated roles and responsibilities in the CWA of sharing the responsibility in the management and improvement of water quality within its territorial jurisdictions. Specifically, this includes:

- Preparation of a compliance scheme within 6 months after the establishment of the water quality management area , subject to the review and approval of the Governing Board;
- Monitoring of water quality
- Emergency response
- Compliance with the framework of Water Quality Management Action Plan
- Active participation in all efforts concerning water quality protection and rehabilitation; and
- Coordination with other government agencies and civil society and the concerned sectors in the implementation of measures to prevent and control water pollution.

The DENR is also supposed to provide a technical secretariat for each management area to be composed of one member of the Philippine Bar, one Chemical Engineer, Chemist, Sanitary Engineer, Environmental Engineer or Ecologist with significant training and experience in chemistry, one civil engineer or hydrologist with significant training and experience in ground water or closely related fields, and one geologist or biologist. It is recommended that this four-person technical secretariat be absorbed or made part of the provincial TWG or the TWG on water quality management (whichever option is chosen) or at the very least, to be on call to provide technical support to the TWG.

However, it is important that all the TWGs are multi-sectoral and participatory in character so that inputs/perspectives from all concerned stakeholders are adequately considered in all its deliberations. Having all the key stakeholders represented is also one way of ensuring that subjective considerations (such as politics and personal differences) do not get in the way of sound decision-making. It is also important that technically qualified agencies/units head the TWG to ensure that recommendations, plans and decisions are technically-sound and scientifically grounded.

In line with this, if there will only be one TWG, it is recommended that the PPDO chair the secretariat with the NWRB (to focus on water resources assessment and allocation) and the DENR (to focus on watershed and water quality management) as vice chairs. On the other hand, if there will be three separate TWGs, it is suggested that the PPDO chair the TWG on water supply, sanitation and sewerage with the NWRB as co-chair; the DENR chair the TWG on watershed management and the DENR/EMB and the Provincial Health Office co-chair the TWG on water quality management.



V.2 Province Specific Recommendations – Province of Bohol

Findings

The local officials and stakeholders of Bohol had long recognized the need for the more effective management of its environment and natural resources including its water resources. Through a series of multi-sectoral and participatory consultations, they had formulated their Vision, Mission, Goal and Strategies for development, culminating in the adoption of the Bohol Covenant for Sustainable Development during the Bohol Environment Summit in July, 1997.

To carry this Covenant forward, the Bohol Environment Code in 1998 (*Provincial Ordinance No. 98-01*) was subsequently enacted. Article V of the said Code focused on water resources where in addition to reiterating the powers, duties and functions of the various local government officials, it highlighted the priorities of the province for its water resources to be managed for the primary purpose of meeting indefinitely the basic requirement of all its residents and for sustained agricultural production. It also identified the secondary purpose of securing the availability of adequate supplies of water for the growing industrial, recreational and commercial development activities through water resources pricing, institution of local water pollution control legislation and the establishment of the Bohol Network of Watersheds. The policy of ensuring that no municipality is deprived of safe and clean water was also stressed.

With support from the German Technical Cooperation (GTZ) and the DILG Water Supply and Sanitation Management Office, efforts to enable the provincial government to plan water supply and wastewater disposal in accordance with the principles of IWRM were started. *Executive Order No. 42* was issued on January 19, 2004 to organize the Bohol Integrated Water Resource Management Team (*BIWRMT*) with the following functions:

- Develop the terms of reference, implementation strategies/procedures, training designs, technology demonstrations sites and monitoring systems required for the successful implementation of the Provincial Water Supply, Sewerage and Sanitation Project (PW4SP) and the various activities included in the Bohol integrated water resources management project as assisted by GTZ and the DILG WSSMO;
- Formulate the participatory approaches to be applied with LGUs and local communities in the use of the PW4SP as basis for project identification and development;
- Promote policies and strategies as well as support the targets outlined in the National Master plan for Water Supply, Sewerage and sanitation;
- Establish the rational and technical basis for the implementation of more projects on water supply, sewerage and sanitation;
- Promote better coordination and inter-agency relations among government agencies towards better sector development from national to local levels;
- Contribute towards the establishment and maintenance of a comprehensive monitoring and evaluation system for the sector; and
- Coordinate the implementation of activities related to the establishment of demonstration sites and/or the application, field-testing and assessment of pilot technologies to address priority IWRM problems.

The Provincial Water Sector Planning Team is composed of various technical departments of the provincial government (i.e. the Provincial Planning and Development Office (PPDO), the Bohol Environmental Management Office (BEMO), Provincial Health Office (PHO), General Services Office (GSO), Provincial Engineer's Office (PEO), Office of the Provincial Agriculturist (OPA), the Provincial Director of the Department of Interior and Local Government (DILG), the DILG LGU Liaison Officer and the President of the League of Municipal Planning and Development Coordinators of the various municipalities in the province). The PPDO serves as the secretariat of the Team.

On the other hand, to enable the province to ensure that "the water needs of the people of Bohol are not jeopardized and that a watershed management system capable of supporting indefinitely the domestic, agricultural, industrial and recreational water requirements for the growth and development of the province is established"¹, Section 31 of the Bohol Environment Code created the Bohol Network of Watersheds to be initially composed of Abatan, Wahig, Inabanga, Duero, Ipil, Loboc and Cabidian-Matul-id

¹ Section 9 (b) of the Bohol Environment Code of 1998

watersheds. In compliance with this provision, the Bohol Watershed Advisory Council (BOWAC) was created in June 2005 through the issuance of Executive Order No. 8. The BOWAC is to:

- Serve as the consultative/advisory body for watershed issues and concerns and a catalyst of a collaborative management programs for the watersheds;
- Serve as the working group and convenor for the creation of the Bohol network of watersheds (as provided for in the Bohol Environment Code);
- Assist in the formulation of watershed councils and in the preparation of the short- and long-range development plans in harmony with the provincial and municipal vision; and
- Institute a system for synergy, partnership and complementation for the optimization, convergence and pooling of resources for program and project activities.

The BOWAC is composed of eighteen (18) members from 4 component municipalities (Bilar, Batuan, Caren and Sagbayan), 4 PO reps, 4 NGO reps, 2 chairpersons from different watershed councils, the Provincial Office of the DENR, the Chairperson on Environment of the Sangguniang Panlalawigan, the PPDO and the BEMO. The BEMO acts as the Chair while the President of BANGON, an NGO, serves as the co-chair. BEMO also serves as the secretariat for the Council.

BOWAC's work has so far focused on the Loboc watershed where the assessment and development of a watershed management plan is now ongoing. The multi-sectoral watershed councils of the other priority watershed are also to be organized in the future.

Recommendations

After carefully studying these local initiatives and talking with the concerned stakeholders, it is clear that these two existing bodies (the IWRM Team and the BOWAC) are largely functioning as technical working groups [providing technical and policy advise to the Governor] on the specific areas of water supply and sanitation and watershed management. It is thus proposed that Bohol still establish a multi-sectoral IWRM Council, chaired by the Governor with members from the private sector, including the water users, civil society, local offices of national government agencies and the LGUs. Based on consultations with the local stakeholders, it is recommended that to ensure full participation of all stakeholders, the Council be composed of the following:

- The Governor;
- The Sanggunian Panlalawigan Chair on Environment;

- Various representatives of local government units (the City of Tagbilaran, the Municipalities through their local Association, the Baranagays through the local Liga ng mga Barangay, the municipal planning and development coordinators through their League;
- Technical units of the province such as the BEMO, PPDO, OPA, PEO, OPV and GSO;
- Representatives of local offices of national government agencies, specifically the DENR, DA/BFAR, DPWH, DOH, DILG and NAPOCOR;
- The private sector (including business groups, the association of water dealers/vendors, the Bohol Electric Company [BOHECO]);
- Representatives of water users such as NIA, the Water Districts and Farmers Groups;
- Representatives of local river basin councils;
- NGOs;
- People's Organizations;
- The academe;
- The religious sector; and
- Media.

The Council may opt to create an Executive Committee to oversee, supervise and coordinate the actual operations of various water resource management initiatives and projects undertaken by any group/organization and individual within the province. It will also ensure that decisions by the Council are actually implemented and/or enforced.

The BEMO will serve as the Secretariat of the Council with active support from the NWRB Field Office for the Visayas and the PPDO.

Three (3) Technical Working Groups (TWG) are also being proposed. The first TWG will already be the existing IWRM Team for water supply and sanitation issues. The membership of the said Team should, however, be expanded to include representatives from NWRB, DENR, the private sector and civil society. It can continue to be chaired by the PPDO, although it is strongly recommended that the representative of NWRB serve as either co-chair or vice chair. In addition to its existing functions, this TWG will take charge of assessing the existing water resources in the province and identifying safe yields for each water source. It will also accept and process applications for water rights, and review existing water rights. It will also take care of regularly monitoring the actual operations of all holders of water rights and CPCs and identify illegal water users. The TWG will submit its recommendations to the Executive Committee for appropriate action (approval, denial, reduction of volume allowed to be appropriated for new applications, revision, suspension or cancellation of existing permit, enforcement actions against illegal water users, etc.)

BOWAC can serve as the second TWG focused on watershed management. Since BOWAC is already multi-sectoral in its composition, it is suggested that its membership merely be expanded to include a representative from the private sector and the local Protected Area Management Boards (PAMBs). BEMO can continue to chair this TWG

with the DENR as vice chair. It will continue to perform its present functions under EO No. 8 and actively support locally organized watershed councils develop their watershed management plans in accordance with the Bohol Environment Code and national laws, rules and regulations. It will also ensure consistency of these watershed management plans with the management plans being developed by concerned PAMBs.

The third TWG that will focus on water quality issues is yet to be organized. This TWG will already serve as the Water Resources Committee in charge of water quality monitoring as provided for by Section 33 of the Bohol Environment Code.² It will assume the following functions provided for by the Code:

- Establish the number and location of province-wide water sampling stations;
- Conduct regular sampling and causing the analysis of the samples collected;
- Release the monitoring results to the public, especially the municipalities and barangays concerned;
- Monitor, together with the Provincial Mining and Regulatory Board (PMRB), the impact on water resources of all mining operations;
- Assist the national government agencies in enforcing anti-pollution laws; and,
- Organize industrial and tourism establishments to allow the sharing of pollution reduction technologies.

As mentioned earlier, this 3rd TWG will also serve as the “multi-sectoral group to establish and effect water quality surveillance and monitoring network including sampling schedules and other activities” as required by Section 5 of the CWA.

Proposed Governance Structure

The Proposed Institutional Structure is shown below. In order to strengthen the capacity of existing bodies, it is proposed that existing units of the provincial government such as the PPDO and the BEMO and local offices of national government agencies/bodies such as the DENR and NWRB whose inherent functions already include those functions recommended for the secretariat and the TWGs be tapped to head the said bodies. This way, we will not only avoid duplication of efforts and unnecessary wastage of resources, time and effort but also ensure that efforts will actually be sustained since the ones undertaking the work are mandated to implement the same. It will also lessen the need for additional resources to fund new staff who are to be hired to enable the province to effectively manage its water resources. This is not to say that no new technical staff should be recruited. Should such a need be identified, then technical staff with appropriate and sufficient academic background and experience, such as hydrologist, chemical/sanitary/environmental engineers, should be hired.

² Under Section 33 of the Bohol Environment Code on Water Quality Monitoring, the Water Resources Committee is to be composed of 9 members with the Governor as chairman and NIA, DENR, NAPOCOR, PAG-ASA, DA and the Provincial Health Office as members, including 2 representatives from NGOs to be appointed by the Governor.

IWRM Council (full membership)

Executive Committee (5-9 members)
Government [local & national], private sector, civil society

TWG on Water Supply,
Sanitation & Sewerage
(expanded IWRM Team)

Chair – PPDO
Co-chair – NWRB Field
Office

TWG on Watershed
Management
(expanded BOWAC)

Chair - BEMO
Co-chair or Vice chair
- DENR

TWG on Water Quality
Management

Chair - DENR/EMB
Vice chair - BEMO
and/or DOH

Secretariat
Led by BEMO & PPDO

V.3 Province of Negros Oriental

Findings

The province of Oriental Negros had also identified the provision of water supply and sanitation facilities through an integrated water resources management system as one of its priorities. On November 23, 2003, the Governor issued Executive Order No. 6, series of 2003 creating the Provincial Water and Sanitation Development Council (PWSDC) with the following duties and functions:

- Formulate a five-year provincial water supply, sanitation and sewerage sector plan;
- Coordinate all water and sanitation-related activities with the barangays, municipality and city policy/decision-makers;
- Recommend measures and safeguard against pollution and for the preservation of the natural ecosystem;
- Recommend measures and institute schemes to generate funding and other resources for the implementation of the Provincial water Supply, Sanitation and Sewerage Sector Plan;
- Identify watershed areas supplying waterworks systems province-wide;
- Review and recommend policy changes in the implementation of water and sanitation projects to the Provincial Development Council;
- Conduct a periodic review of, and update the Provincial Water Supply, Sanitation and Sewerage Development Plan to ensure the Plan's effectiveness and relevance to local and international settings on water and sanitation; and,
- Perform other relevant duties as may be assigned by the Provincial Governor as the PWSDC chair.

The Executive Order stressed that the PWSDC is to operate under the umbrella of the PDC but is not one of its sub-committees or functional committee.

The Council is to be chaired by the Provincial Governor with the Vice Governor as Vice Chair, the PPDC as the Action Officer and the following as members, various officials of the technical units of the provincial government, such as the Provincial Health Officer, the Provincial Engineer and the Division Chief of the Environment and Natural resources Division under the Office of the Governor, the Provincial Director of DILG, the PENRO of DENR, the District Engineers of the three DPWH Engineering Districts, the Manager of the Philippine national Oil Corporation (PNOC), the Provincial Manager of the

National Irrigation Administration (NIA), the Managers of the local Water Districts in the province, representatives of the League of Municipalities and Cities, representatives of the Federation of Community-based Water and Sanitation Organizations and an NGO representative from Water and Sanitation Organizations.

Three staff members of the PPDO were given the task of serving as the secretariat of the Council. A Technical Working Group (TWG) composed of specific personnel from national line agencies (DENR, DILG) and provincial offices (Provincial Planning and Development Office, Provincial Engineer's Office, Provincial Health Office, Provincial Governor's Office-Environment and Natural Resources Department) was also formed. This TWG is mandated to:

- Provide technical inputs to the PWSDC;
- Coordinate with city/municipal and barangay project stakeholders in the implementation of the provincial Water Supply system, sanitation and sewerage plan
- Provide monitoring scheme/tool and conduct quarterly evaluation of the program; and
- Perform other duties as may be assigned by the Chairman or Action Officer for and on behalf of the Council.

While the Council was created in November 2003, it has not been very active. While it is supposed to meet every quarter, it has only met thrice since its inception. To enable the Council and the PPDO to plan water supply and wastewater disposal projects in accordance with the principles of IWRM, technical support is being provided by the German Technical Cooperation (GTZ) under the 3rd phase of the DILG Water Supply and Sanitation program.

Recommendations

Given these existing initiatives of Oriental Negros, it is recommended that the mandate of the PWSDC be expanded to cover watershed management and protection as well as water quality management, rather than create a new Council. The existing PWSDC can be renamed as the Oriental Negros IWRM Council and can serve as the champion for all water-related activities within the province. In addition to its existing functions (as enumerated in EO 8, series of 2003), it should assume all the other functions of the proposed provincial IWRM councils as explained in the general recommendations on page 2.

Among its priority activities should be the assessment of the water resources and its present utilization for different purposes since this should serve as the basis for strategic and short-term planning. The common vision already adopted during the November 2003 workshop with GTZ and DILG of "having safe and adequate water available in Oriental Negros and for water to be used in a rational and balanced way for different purposes" should guide the sector planning.

Based on the consultations with the stakeholders in the province, it is suggested that membership in the Council also be expanded to include the Sangguniang Panlalawigan Chair on Environment, a representative of the Liga ng mga Barangay, the President of the League of Municipal Planning and Development Coordinators, technical units of the province such as the Office of the Provincial Administrator, the Provincial Engineer's Office, OPV, the General Services Office, local offices of the following national government agencies such as the Department of Agriculture, the Bureau of Fisheries and Aquatic Resources, the business sector through the Oriental Negros Chamber of Commerce & Industry, representatives of other water users such as farmer's groups, homeowners' associations and the academe.

In order for this IWRM Council to also serve as the Governing Board of the Water Quality Management Area of Oriental Negros in compliance with the requirement of Section 5 of the Clean Water Act, it is recommended that the representative of the DENR serve as co-chair of the Council.

It is also recommended that an Executive Committee also be created composed of representatives from the key stakeholders (provincial government, national line agencies, business and civil society) to oversee and manage the operations of the Council. The Executive Committee can be composed of a minimum of five up to a maximum of nine members so that it will not be difficult to get a quorum and make decisions promptly, with the Governor also acting as the Chairperson of the Execom.

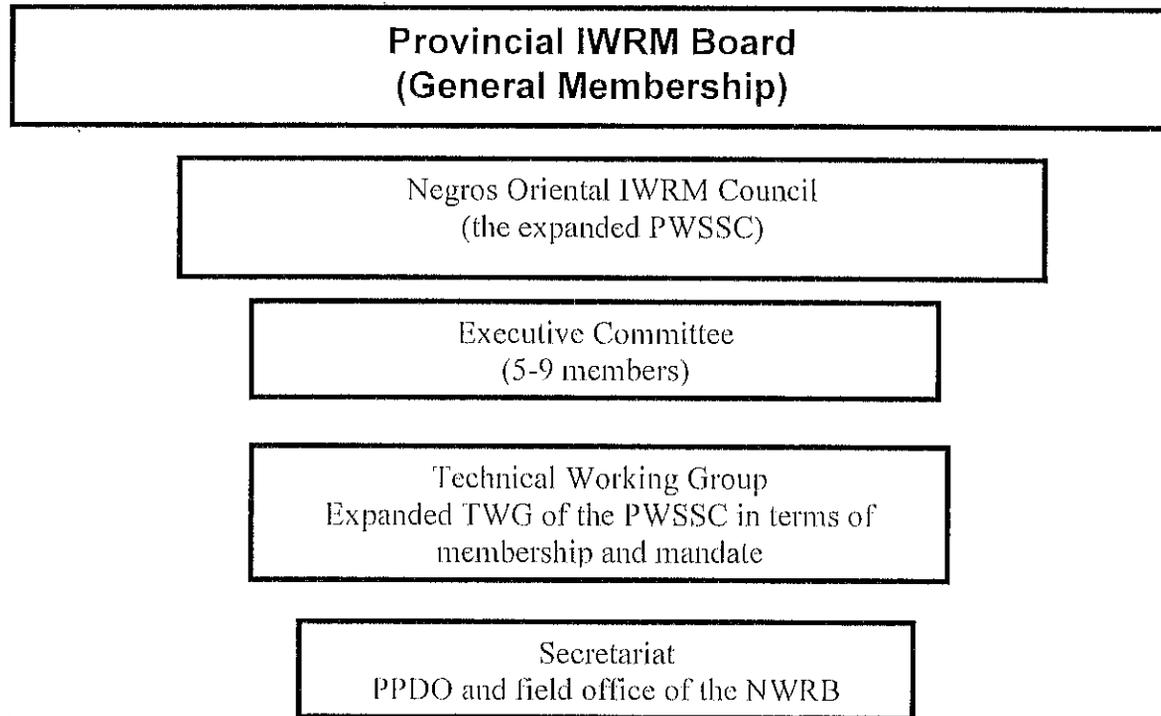
To also build on its present role of coordinating and overseeing all development planning within the province, it is also strongly suggested that the PPDO be officially tasked to serve as secretariat for the Council. The field office of the National Water Resources Board can serve as co-chair or vice chair of the secretariat.

Two options for the TWG are presented for consideration of the Province. The first option is for the present TWG of the PWSSC to be retained and its membership increased to ensure representative of all stakeholders and its mandate expanded to cover all the concerns of IWRM (water supply, sanitation and sewerage, watershed management and water quality management). The second option is to keep the present TWG with its mandated functions as provided for by EO 8 and to establish two more TWGs to handle watershed management and water quality management respectively. As noted earlier, the TWG on water supply, sanitation and sewerage can be led by the PPDO and the NWRB field office. On the other hand, the TWG on watershed management is to be led by the DENR, while the TWG on water quality management can be led by the DENR/EMB and the Provincial Health Office.

Whatever option is taken by the province, it is important that all the TWGs are multi-sectoral and participatory in character so that inputs from all concerned stakeholders are adequately considered in all its deliberations. Having all the key stakeholders represented is also one way of ensuring that subjective considerations (such as politics and personal differences) do not get in the way of sound decision-making. It is also

important that technically qualified agencies/units head the TWG to ensure that recommendations, plans and decisions are technically-sound and scientifically grounded.

Proposed Governance Structure – Option 1



Proposed Governance Structure – Option 2

This would be similar to the proposed institutional arrangement for the province of Bohol.

V.4 Province of Siquijor

Findings:

Just like the provinces of Bohol and Oriental Negros, the province of Siquijor has also developed a Provincial Water Supply, Sewerage and Sanitation Sector Plan (PW4SP). Under the Plan, the province aims to expand access to safe water supply since only an estimated 64% of the 2003 population is considered adequately served. It also plans to improve the quality of the existing service, given the fact that about 40% of those served still depend on Level I facilities, some Level II systems do not have reservoirs and dirty water is sometimes experienced. The province also hopes to provide a rational and technically sound basis for water allocation since the expansion of distribution lines and the installation of additional faucets is usually undertaken without the needed technical study on the capacities of water sources and distribution facilities.

Service coverage within the province is also uneven with two municipalities. Lazi and Siquijor have service coverages below the provincial average. Siquijor, which is the provincial capital, has the lowest service coverage at only 39% of the populations having access to a safe source.

While there is abundant water in other municipalities, two of the municipalities are water deficient--Larena and Salvador Enrique. There are also some jurisdictional problems between the government and the water district in terms of serving some presently underserved barangays in the province. There is thus an urgent need for a body to plan and coordinate water resources management of the province.

Recommendations

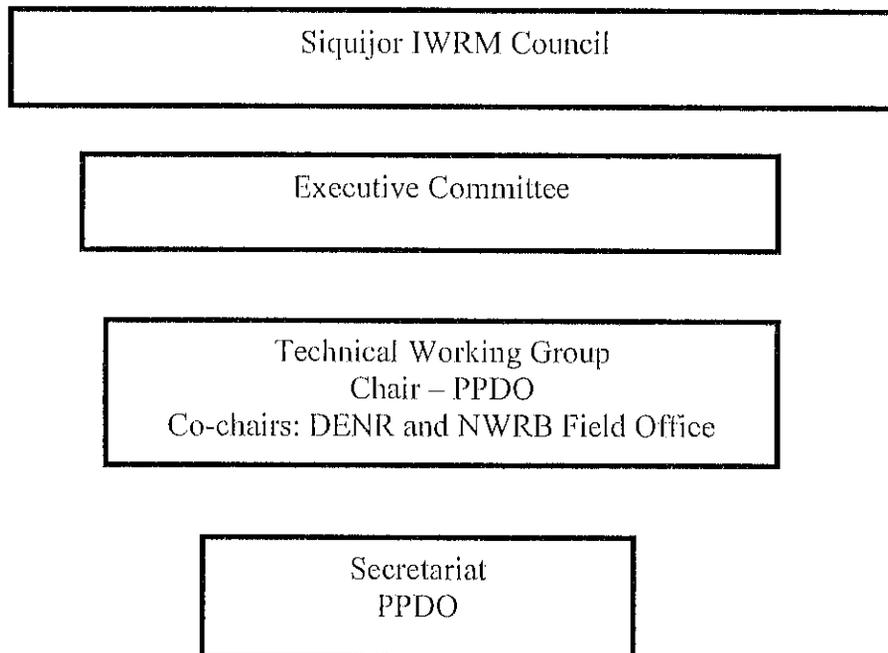
At present, beyond the Provincial Development Council, there is no existing multisectoral body within Siquijor that can assume the functions of the proposed IWRM Council. Based on discussions with the local stakeholders led by the Governor and the Vice Governor, it is thus recommended that an IWRM Council for Siquijor be created. It will be a special body of the PDC specially focusing on integrated water resources management. Any development plans formulated by the Council, such as Water Resources Management Plans, Watershed Management Plans and Water Quality Management Plans will be submitted to the PDC for approval and formal adoption as the official plan of the province. This will ensure that the said water plans are consistent with and support the overall development vision and strategies of the province.

Members of the Council can include the Governor, the SP Chair on Environment, the LGUs (municipalities, cities, barangays) Municipal Planning and Development Coordinators, represented by their League President), representatives of national government agencies, the private sector such as the Chamber of Commerce & Industry, representatives of water users like the NIA, Water Districts, farmer's groups, the academe, NGO/ PO reps and concerned technical units of the provincial government.

A multi-sectoral Executive Committee of 5-7 may also be organized, composed of representatives of the province, the national government agencies, the private sector and civil society with the Governor chairing.

Since the province is only made up of 6 municipalities, it is recommended that initially only one TWG be created to support the IWRM Council. This TWG will handle all aspects of IWRM and will also be multisectoral in character and participatory in its approach. The TWG can be chaired by the PPDO with the field office of the NWRB and the DENR as co-chairs or vice chairs. To strengthen existing coordinative and development planning mechanisms within the province, it is recommended that secretariat support be provided by the PPDO.

Proposed Institutional Governance



IV. 4 Province of Cebu

Findings

It has long been acknowledged that Metro Manila and the Province of Cebu, especially Cebu City are two of the areas in the Philippines where water resources have reached critical levels. The ground water in these areas has been over abstracted leading to saline water intrusion. The watersheds have been denuded and many of the surface waters have been polluted, further limiting the availability of freshwater. Yet, these two areas are also the most developed areas in the country, in terms of urbanization, industrial and commercial and even residential development. Demand for water that is vital to support this rapid development as well as provide water for the agricultural areas that supply the food needs of the residents urgently need to be met. It is thus urgent that integrated water resources management be put in place in both areas as soon as possible.

The officials as well as various stakeholders of the province of Cebu and Cebu City have long recognized this reality. It is for this reason that several initiatives had been undertaken in the past by both government, the private sector and civil society to address this problem. Notable among these are the efforts of the Cebu Uniting for Sustainable Water (CUSW), the Tambuyog Development Center, the PCEEM project of the DENR and the Water REMIND project of the University of San Carlos – Water Resources Council.

To improve coordination among the various players and to ensure the integration of concerns, policies and actions for the protection, conservation, rehabilitation, management and development of Cebu's water resources, watersheds and aquifers, an Inter-Agency Task Force on Cebu Water Resources Management composed of the DENR, NWRB, DILG, DPWH, CUSW, NEDA was created through an executive instruction from the President on July 2002.

Through a series of IATF meetings, including the First Cebu Water Forum in July 2003, the stakeholders agreed to propose the formation of a Cebu Water Resources Management Council which would:

- Harmonize the activities of all member LGUs and government agencies as well as efforts of civil society groups and the private sector,
- Undertake data collection and dissemination to provide inputs to decision support systems,
- Promote multi-stakeholder participation and involvement in water resources management to improve governance,
- Initiate and review the water resource management policies and,
- Recommend appropriate amendments and create committees and sub-committees and TWGs as needed.

It was further agreed that this Body will respect the inherent mandates of existing agencies, will adopt integrated water resources Management (IWRM) as its framework,

will function largely as a coordinative body and will not create another office since government in fact wants to abolish some existing agencies/instrumentalities. It was thus proposed that the Body would have an Executive Committee of about 13 members representing the various stakeholders with 4 officers. DENR was to act as the Chair, the CUSW as co-chair, with the secretary/treasurer and auditor appointed by its members.

With the consolidation of 5 NIPAS areas in Central Cebu (namely the Mananga watershed, the Kotkot-Lusaran watershed, the Buhisan watershed, the Sudlon National park and the Central Cebu National Park) into the Central Cebu Protected landscape (CCPL) on July 2003, it was further agreed that the proposed pilot Cebu Water Resources Management Council will initially focus on Central Cebu.

In October 2004, the 2nd Cebu Water Forum was organized by CUSW in coordination with the DENR and with the assistance of USAID through the Asia Foundation. The Forum focused on capacitating LGUs and associated water stakeholders in the cities and municipalities of Central Cebu.

Another initiative under the Water REMIND project of USC-WRC supported by the Netherlands government also put in place an institutional mechanism to strengthen the coordination among key players on water resources management in Cebu. From a Steering Committee for the project, Gov. Gwen Garcia, Governor of the province of Cebu, Mayor Tommy Osmena, Cebu City Mayor, Clarence Baguilat, Regional Executive Director of DENR and Juan Saul Montecillo, Chairperson of the Metro Cebu Water District (MCWD) signed a statement of cooperation on March 11, 2005 for the establishment of the Water Management Board of Central Cebu. The Governor and the Mayor co-chair the said Board. The Board will work towards the establishment and implementation of an integrated and coordinated long-term plan parallel to forecasted water needs and related demands to provide rational and strategic solutions. While the Board has 4 members, the project envisions that membership may eventually be expanded to include representation from the other key stakeholders. The project staff serves as the secretariat for the Board.

At the same time, the Province of Cebu was deputized by the NWRB in May 2005 to among others, “process and investigate on behalf of NWRB applications for water permits for water sources located in the province of Cebu and make recommendations therefore before forwarding same to the NWRB for final approval, monitor and enforce NWRB rules and regulations, orders, circulars and other issuance to ensure that the taking, appropriation, extraction and diversion of water resources in the province are in accordance with the Water Code of the Philippines, continuously monitor and evaluate local water standards and adopt rules and regulations for its enforcement”. To enable the province to carry its functions under this deputation, the Governor has created a Task Force on Water composed of various technical staff of the province and has also invested in improving its laboratory capability.

Recommendations

Several consultative meetings were held in Cebu³ to determine what is the best means to proceed in implementing a pilot IWRM body for the province. It is recognized that Cebu City is a chartered City and is therefore not under the control and supervision of the province. However, since water resources are not limited to political boundaries, there is a basic need for cooperation between the province and the city. This is already provided for under the present set up of the WRM Board of the Water REMIND project. It is therefore recommended that this WRM Board be considered the IWRM body for Cebu City but that its membership be expanded to add another representative for civil society. This will complete the representation of the key stakeholders in the Board. Recognizing that there may be conflict of interest if the MCWD will be part of the decision making process for approval/disapproval of applications for water rights, it is recommended that the representative of MCWD be allowed to participate in deliberations of the Board on water rights issues but that it be inhibited from voting. Another option that could be considered is to change the private sector representative in the Board to either the Chamber of Commerce and Industry or some other groups that could adequately represent the private sector.

It is further recommended that this Board be supported by a multi-sectoral TWG led by the City Planning and Development Office and the NWRB field office. The DENR and other technical units of government, the private sector and civil society groups should be made members of the TWG to provide technical inputs to the decision-making and plan formulation. Secretariat support can continue to be provided by the Water REMIND project. However, it is also recommended that the City Planning and Development Office support the secretariat more actively to ensure complementation of the water resources management plans of the City with its overall development plans. This will also ensure that in-house capacity is built within the City to carry on the work once the project ends. To comply with the provisions of the Clean Water Act, it is also recommended that the DENR serve as co-chair of the IWRM Council.

On the other hand, for the province of Cebu, since the Province is already deputized by the NWRB, it is recommended that this deputation be expanded and strengthened. Instead of just being recommendatory to the NWRB in the processing of applications for water rights, it is proposed that the power to approve/disapprove applications be lodged with the province. This would also hold true for other regulatory powers of the NWRB. To provide technical inputs to the decisions that need to be made, it is recommended that the existing provincial task force be expanded in terms of membership and scope, to

³ Meeting with the IATF in April 21, 2005 to inform the members of this initiative of the NWRB and to see whether such a move to decentralize and devolve some functions of the NWRB is acceptable to the local stakeholders; Workshop in May 2005 to harmonize the various water related initiatives towards a more effective water resource management in the province; Workshop on water Governance and IWRM in June 16, 2005 with a wider range of local stakeholders - validated initial recommendations in the May workshop, defined what the powers and functions of a province-wide Council and a municipal Council should be, its composition and structure as well as possible funding sources., one on one Discussions with key leaders; and, Workshop on the initial recommendations for the Provincial IWRM and the Cebu City IWRM on August 8, 2005

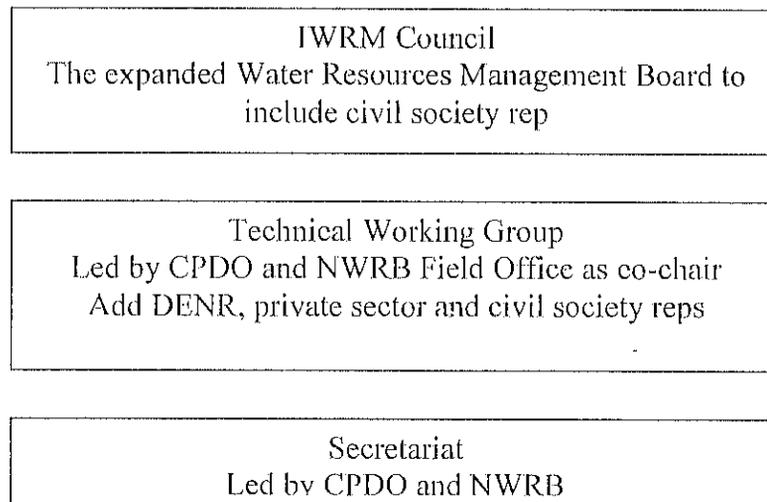
include representatives from the NWRB field office and civil society as co-chairs, with members from the private sector (like the Cebu Chamber of Commerce) and the DENR. Other civil society groups (NGOs and POs) already active in water resources management issues may also be added. At the same time, the coverage of the task Force should also be expanded to include concerns for watershed management, water quality management and sewerage in addition to its present scope of water supply and sanitation.

Considering that the Province already has a very active Provincial Development Council (PDC) which meets at least once a month and is already multi-sectoral in character, it is proposed that the existing PDC serve as the IWRM Council. Thus, instead of creating a IWRM Council for the Province, the PDC's role in integrated water resources management can just be strengthened. Should there be some groups who are already actively engaged in water-related initiatives, these groups may also be invited to become part of the PDC. The PDC may opt to create an Executive Committee in the future, specifically to focus on water-related issues. The Executive Committee will also be chaired by the Governor. Secretariat support can be provided by the PPDO

It is envisioned that these recommendations will serve the purpose of strengthening and capacitating existing units/offices/ officials and staff which already have the mandates for water resources management and will encourage better tripartite collaboration in the management of Cebu's water resources.

Proposed Governance Structure

For the City of Cebu:



For the Province of Cebu:

Provincial Development Council to serve as the
IWRM Council
Governor – Chair
Add members if other stakeholders involved in water
issues are presently not in the PODC

Provincial Task Force on Water to serve as Technical
Working Group

Add NWRB Field Office as co-chair
Add DENR, private sector and civii society reps as members

Secretariat

Led by PPDO and NWRB Field Office

V. Enabling Mechanisms

To establish the pilot IWRM Councils for each province, it is recommended that the concerned Governors issue the appropriate Executive Orders. In the case of Negros Oriental, the Governor needs to amend Executive Order No. 6, series of 2003. Attached for ready reference is a sample Executive Order.

Another option would be for the Provincial Board to pass a Resolution establishing the said IWRM Council, defining its powers and functions, its membership and the governance structure.

For Cebu City, it is recommended that the MOA signed by the City, the province, the DENR region VII and the Chair of the Metro Cebu Water District be amended to reflect the above recommendations, in terms of its expanded membership, the role of the NWRB field office in the secretariat and the TWG.

In order to effectively transfer some of the powers and functions of the NWRB to the province/city, it is proposed that the NWRB enter into a Memorandum of Agreement with the four provinces clearly defining which powers and functions are to be devolved over a certain period of time and what the roles and responsibilities of each party are. Attached is a draft of the said MOA. At the same time, the NWRB can pass a Resolution deputizing the province/chartered to carry out specific powers and functions.

VI. Concrete Next Steps

Given time constraints, there was no time to present and discuss these findings and recommendations with the respective PDCs of the four provinces and the CDC of the City of Cebu. To gain broader support for this initiative, it is proposed that presentations with the PDCs and the CDC be scheduled. At the same time, a similar presentation and discussion should be held with the NWRB to get their comment and/or approval of the recommendations.

Discussions should also be started with GTZ and other donors involved in water and water-related issues to see how they can support the capacity building of these local partners who will comprise the local IWRM council.

Based on the experiences of other countries in decentralization initiatives, two factors have been identified to be necessary for the decentralization to be effective:

- 1) There is devolution of authority and responsibility from the center.
- 2) There is acceptance of that authority and responsibility by the local units.

Whether the initiative to assume management responsibilities for water resources management is initiated at the local level, was mutually desired by local stakeholders and the central government officials or was a decision of the central government officials to let go of some of its water resource management responsibilities, decentralization will

only work if the local stakeholders truly want to accept the said authorities and responsibilities.

Since success in decentralization requires that complementary actions are taken at the national and local levels, it is also critical that the national government maintains a policy commitment to basin management through transitions in its own administration. Abrupt abandonment of central government authority has usually led to failure. It is thus recommended that this devolution of powers and functions of the NWRB to the provincial IWRM Councils be handled as a supportive transition to local basin management. This means that powers and functions will be devolved as local capacities are developed and strengthened, with the national government (through NWRB, DENR, EMB, MGB and others) continuing to provide technical advice by continuing to be part of the Council and its TWGs.

As mentioned earlier, it is strongly recommended that the powers and functions of the NWRB be delegated/devolved to the provincial and city IWRM Council in phases. This will allow the Council, its TWG and secretariat to slowly build capacity to manage its water resources, rather than allow them to be swamped with so many responsibilities right away when the absorptive capacity, technical know and resources needed how is not yet there. For example, decisions on applications for water rights may be given right away but this can be limited up to a certain volume only for domestic use and for irrigation purposes. The present level for approving applications delegated to the Executive Director could be good start.

The technical staff of the NWRB, the DENR and the National Hydraulic Research Center of the University of the Philippines should also immediately start training the technical staff of the provincial IWRM Councils on how water resource assessment can be done, the criteria and formula to be used in assessing applications for water rights, determining allowable volumes to be extracted, determining appropriate water charges, and the like.

Having a forum for information sharing and communication among the stakeholders as well as a forum for conflict resolution are also important. Considering the fact that there are many competing users and uses of water, it is essential that a mechanism for conflict resolution be immediately put in place. The decision making process should be transparent. Everyone should be informed that decisions of the local IWRM Council and the Governor are appealable to the central office of the NWRB. At the same time, it should be stressed that decisions on water use that cross political boundaries will still be lodged with the NWRB.

VII. Conclusion

The proposed pilot provincial and city IWRM Councils are to be governed differently. This took into consideration existing and past local initiatives as well as local sensitivities and preferences. They therefore provide a fertile ground for learning. The actual experiences of these pilot Council will provide important lessons which can then guide national decision makers on how best to proceed with a more decentralized management

of the water resources in the country. It is thus proposed that the implementation of these pilots be undertaken as soon as possible and that the concerned national government agencies/bodies provide the needed support to enable them to become effective. The NWRB should closely monitor their implementation so that problems/constraints encountered in the course of actual implementation are immediately addressed. A venue for the sharing of the experiences of the 5 pilots should also be provided.

As part of its commitment to the principle of subsidiarity and to true participation of all stakeholders, the NWRB should also work towards adopting this multisectoral and local-based management of the water resources in the proposed amendments of the Water Code of the Philippines or in any new legislation being developed.

It is envisioned that through this effort, a more coordinated and effective management of our limited water resources will allow us to meet the various water needs of different users, improve the health and quality of life of our people and achieve our sustainable development objectives.

EXECUTIVE ORDER

In the interest of public service and pursuant to the Local Government Code, RA 7160, I hereby establish a Provincial Task Force on Water Resources (PTFWR) to be headed by the Provincial Planning and Development Officer (or Provincial Environment and Natural Resources Officer) as Chairperson with the following members:

Chairman of the Committee On Environment (or Water or nearest sectoral interest) of the Sangguniang Panlalawigan Provincial Council	- Vice-Chairperson
Provincial Budget Officer	- Members
ABC Chairperson	
SB Chairperson	
Representative of Local Water District	
Representative of University of San Carlos Water Resources Center, CUSW, etc.	

to perform the following functions:

1. To formulate the Integrated Water Resources Plan for the province that will also identify manpower and technical resources to achieve its goals
2. To draft an ordinance to establish a Provincial Water Resources Board that will:
 - a. Appoint full-time responsible persons, appropriate budget, and create an office to serve as the Provincial Water Center. It shall, among others, serve as a central repository of water related information on the island province of Cebu, as the secretariat of the Integrated Water Resources Council and the nerve center for the proposed water management functions to be performed by the Provincial Government.
 - b. Immediately undertake an inventory of the freshwater resources of the island province of Cebu, including its water bodies, waterways, watersheds and estimated province-wide allowable withdrawals. Using this data, the Provincial Government shall determine the carrying capacity of the Island Province of Cebu and announce results to the public in six months.
 - c. After due consultations, allocate water resources according the carrying capacity of the underground water table to allow for continued withdrawals.
 - d. Delineate the forest lines, watersheds, national parks, and other protected areas of the Island Province of Cebu.



- e. Create a consultative body to be known as the Integrated Water Management Council to advise the Office of the Governor on sustainable water supply strategies for the Island Province of Cebu.
 - f. Coordinate all government and non-government agencies (DENR, Local Water Utilities Authority and Water Districts, University of San Carlos Water Resources Center, CUSW, etc.). With their assistance, the baseline data of Cebu's water resources shall be collated, analyzed, and interpreted and the appropriate carrying capacity determined.
 - g. Perform such functions vested in the Provincial Governor by the Local Government Code. This includes, among others, the power "adopt measures to safeguard and conserve land, forest, marine and other (water) resources of the Province"¹ and to establish such "infrastructure facilities to serve the needs of the residents of the province, such as waterworks, sewage, flood control and similar facilities."²
3. To take preparatory action to fulfill the duties and responsibilities of the Provincial Government stated in the Memorandum of Agreement between the NWRB and the Office of the Provincial Governor dated _____.
 4. To perform such functions as may be directed by the Governor.

All offices, units and officials of the provincial government are hereby directed to assist the PTFWR in performing its functions towards meeting the objectives set forth in the MOA.

The Chair and members of the PTFWR, connected with the Provincial Government may claim reasonable compensation for travel and related expenses.

The Chair and members shall serve for a period of six months or until such time that the Provincial Water Resources Board shall have been established through the passage of an ordinance.

Done this _____ day of _____, 2005 in _____, Cebu.

Provincial Governor

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¹ Rep. Act 7160, Sec. 465 (3)(v).
² Rep Act 7160, Sec. 17 (b)(3)(viii)

MEMORANDUM OF AGREEMENT

The Parties

The Province of _____, represented by its Governor, Governor

The National Water Resources Board (NWRB), represented by its Executive Director,
Ramon B. Alikpala,

- and -

The Department of Environment and Natural Resources (DENR), represented by its
Regional Executive Director for Region 7, Engr. Julian Amador (or by its Provincial
Environment and Natural Resources Officer for the province of _____)

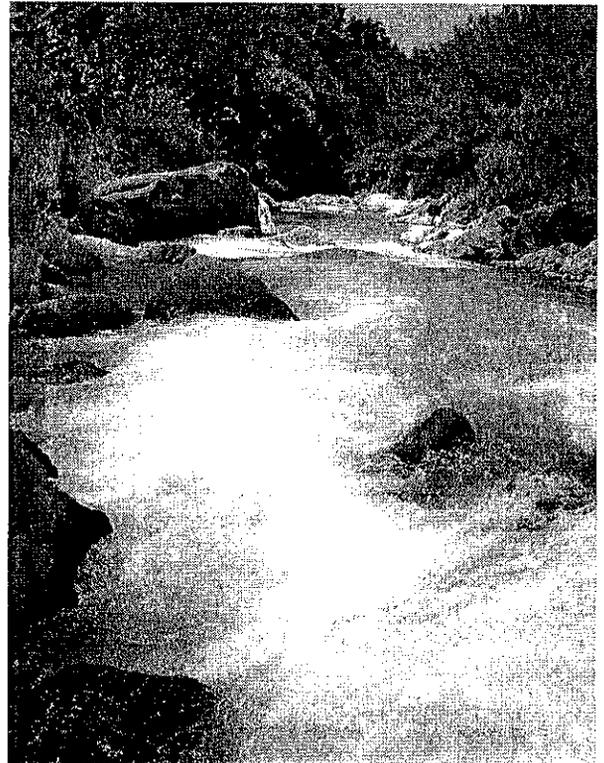
Prefatory Statement

Realizing the need for an integrated approach to water management, especially for an island ecosystem such as the Island Province of _____.

Pursuant to the principle of subsidiarity and the objective of decentralization embodied in Law, water resources are best managed by the people who are directly affected by its supply and quality.

Exercising its duties and functions as mandated by the Local Government Code, the Provincial Government of _____ hereby declares that it will take the lead in the proper planning of the water resources of the Island Province of _____.

The National Water Resources Board (NWRB), understanding its geographic limitations, desires to engage and partner with the Provincial



Government of _____ in the most important task of integrated water resources management.

The Department of Environment and Natural Resources (DENR), recognizing that environmental management can only be effective if all the stakeholders are actively involved of and fully committed to building partnerships with local partners, especially local government units.

Thus, pursuant to the powers vested in the Provincial Government and the NWRB by the Local Government Code (Rep. Act 7160) and the Water Code (Pres. Decree 1067) respectively, the law creating the National Water Resources Council (Pres. Decree 424), and Executive Order 123 (2002) reconstituting the National Water Resources Board, and the Clean Water Act (Rep. Act 9275), the Parties hereby enter into this Memorandum of Agreement and agree as follows:

TERMS OF THE AGREEMENT

1. Devolution of Functions

- The planning and coordination authority of the NWRB and DENR is hereby delegated to the Integrated Water Resources Management Council of (province) led by the Provincial Government.
- In cooperation with other government and non-government organizations and the private sector, the Provincial Government shall collate all data and undertake research to determine the carrying capacity of the island province of _____ within a period of months.
- After determining said carrying capacity, the regulatory authority for the issuance of water permits and fees now exercised by the NWRB may be delegated to the Provincial Government.

2. Duties and Responsibilities

The Provincial Government shall immediately:

- a. Appoint full-time responsible persons, appropriate budget, and create or designate an office to serve as the Provincial Water Center. It shall, among others, serve as a central repository of water related information on the island province of _____, and the nerve center for the proposed water management functions to be performed by the Provincial Government.
- b. Designate the PPDO as the Chair of the Secretariat of the Integrated Water Resources Management Council with the NWRB field office for the Visayas (to focus on water

resources assessment and allocation) and the DENR (to focus on watershed and water quality management) as vice chairs.

- c. Immediately undertake an inventory of the freshwater resources of the island province of _____, including its water bodies, waterways, watersheds and estimated province wide withdrawals. Using this data, the Provincial Government together with the other Council members shall determine the carrying capacity of the Province of _____ and announce results to the public in _____ months.
- d. After due consultations, allocate water resources according to water withdrawal capacity and best use.
- e. Delineate the forest lines, watersheds, and national parks of the Island Province of _____ to ensure protection if its water source;
- f. Create a consultative body to be known as the Integrated Water Resource Management Council to advise the Office of the Governor on sustainable water supply strategies for the Island Province of _____. The appropriate multi-sectoral Technical Working Group for water supply, sanitation and sewerage, water source (watershed) and water quality shall likewise be created.
- g. Closely coordinate with all national and local government agencies, private sector and non-government organizations (DENR, local NWRB field office, Local Water Utilities Authority, Water Districts, academe, NGOs, POs). With their assistance, the baseline data of the water resources of the province shall be collated, analyzed, and interpreted and the appropriate carrying capacity determined.
- h. Perform such functions vested in the Provincial Governor by the Local Government Code. This includes, among others, the power to “adopt measures to safeguard and conserve land, forest, marine and other (water) resources of the Province”¹, and to establish such “infrastructure facilities to serve the needs of the residents of the province, such as waterworks, sewage, flood control and similar facilities.”²

¹ Rep. Act 7160, Sec. 465 (3)(v).

² Rep Act 7160, Sec. 17 (b)(3)(viii)

The National Water Resources Board shall:

- a. Provide technical assistance to the Provincial Government by supplying available technical expertise to the local IWRM Council TWG and secretariat.
- b. Strengthen the capacity of the local technical team of the multi-sectoral IWRM Council by providing training & access to information.
- c. Share all available information about the water resources of the said province with the provincial IWRM Council, including the list of existing holders of water permits, the list of pending applications, allowed volume of water to be appropriated and such other data which would be needed for planning and decision-making.
- d. Shall designate a representative for the Secretariat who will also serve as vice chair for water resources assessment and allocation.
- e. Provide the Provincial Government the national, regional, and international contacts to develop networks of mutual cooperation.
- f. Give national and international recognition to, and showcase, the efforts of the Provincial Governments participating in this devolution project, as good case studies of field-testing of the Principle of Subsidiarity and implementation of other International Environmental Commitments.
- g. In due course, delegate such other powers and functions to the Provincial Government of _____ as may be appropriate, such as issuance of water rights, adjudication of conflicting claims, setting of water rates.

The Department of Environment and Natural Resources/Environmental Management Bureau shall:

- a. Designate the province as a water quality management area in coordination with the National Water Resources Board
- b. Shall designate representative/s for the Secretariat who will focus on watershed and water quality management.
- c. Provide technical assistance to the Provincial Government by supplying all available technical expertise and data on the condition of existing water sources and water quality of the Island Province of _____.
- d. Work with the TWG of the Council to develop a watershed management plan and a water quality management plan

- e. Strengthen the co-management of the forest areas within the province with the provincial government, the LGUs, the private sector and civil society.
- f. In due course, delegate such other powers and functions to the Provincial Government of Cebu as may be appropriate.

3. Other Provisions;

This Memorandum of Agreement shall take effect immediately upon its signing by the parties concerned.

Done this ___ day of ___ 2005

The Parties

Office of the Provincial Governor

National Water Resources Board

**Department of Environment &
Natural Resources**

Signed in the presence of
