



# **WATER CODE OF THE PHILIPPINES: NWRB's Water Permit Procedures**

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# The National Water Resources Board

**PD 424 creating the NWRC  
(March 28, 1974)**

*Policy Formulation and  
Coordination*

**EO 124-A renamed  
NWRC to NWRB;  
transferred technical  
function to DPWH/BRS  
(1987)**

**PD 1067 The Water  
Code of the Philippines  
(1976)**

*Resource Regulation*

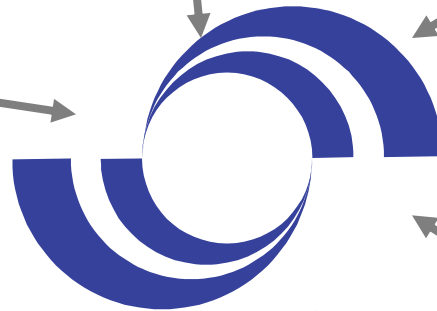
**EO 123 reconstituted the  
NWRB Board; transferring  
NWRB to DENR and  
transferring regulatory  
functions of LWUA to  
NWRB (2002)**

**PD 1206 assigned the  
residual functions of the  
Board of Waterworks  
and the defunct Public  
Service Commission to  
NWRC (1977)**

*Economic Regulation*

**National  
coordinating and  
regulating agency  
on water resources  
management and  
development**

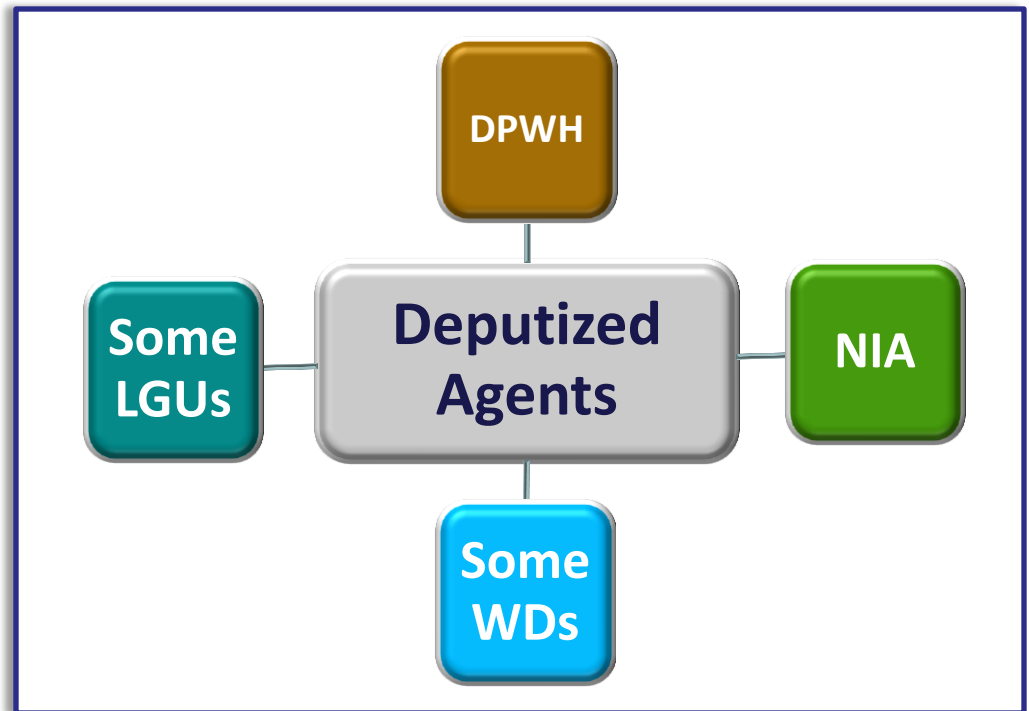
**EO 860 “Redefining the  
Composition and Powers of  
the NWRB”; Change the  
membership of the NWRB  
Board”; regulatory function of  
WDS back to LWUA;  
transferred NWRB to DENR  
(2010)**



# The NWRB Board

<b>Chair</b>	<b>Secretary, Department of Environment and Natural Resources</b>
<b>Vice Chair</b>	<b>Director-General, National Economic and Development Authority</b>
<b>Members</b>	<b>Secretary, Department of Justice</b>
	<b>Secretary, Department of Science and Technology</b>
	<b>Executive Director, UP - National Hydraulics Research Center</b>

## NWRB Staff



# The Water Code of the Philippines (PD 1067)

A law governing the ownership, appropriation, utilization, development and protection of the Philippine water resources

## Underlying Principles

- ◆ All waters belong to the State
- ◆ All waters that belong to the State can not be the subject of acquisitive
- ◆ The State may allow the use or development of waters by administrative concession
- ◆ The utilization, exploitation, development, conservation and protection of water resources shall be subject to the control and regulation of the government through the National Water Resources Council (NWRC) now National Water Resources Board (NWRB)
- ◆ Preference in the use and development of waters shall consider current usages and be responsive to the changing needs of the country

## Water Code of the Philippines

and the Amended  
Implementing Rules and Regulations



REPUBLIC OF THE PHILIPPINES  
NATIONAL WATER RESOURCES BOARD  
8th Floor, NIA Bldg., EDSA, Q.C.

# Water Rights System as a tool for water resources allocation

*“Water Rights – is the privilege granted by the government to appropriate and use water, evidence by a document known as a **water permit**.”*

*Prior appropriation doctrine of “first in time, first in right” for water allocation is adopted*

**The measure and limit of appropriation of water shall be beneficial use.**

*“**Beneficial use**” is the utilization of water in the right amount during the period that the water is needed for producing the benefits for which the water is appropriated*

# Article 13 of PD 1067

**“Except as otherwise herein provided, no person including government instrumentalities or government owned or controlled corporations, shall appropriate water without a water right, which shall be evidenced by a document known as a water permit.”**

# Uses of Water


- Domestic
  - Municipal
  - Irrigation
  - Power Generation
  - Fisheries
  - Livestock Raising
  - Industrial
  - Recreational
  - Other Purposes
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# When Permit/Authority must be secured from NWRB

- Appropriation of water for any purpose
- Change in purpose of appropriation
- Amendment of an existing permit
- Transfer/Lease of water permit
- Temporary permit to appropriate and use of water
- Developing a stream, lake, or spring for recreational purpose
- Such other instances that will require a permit as determined by the Board



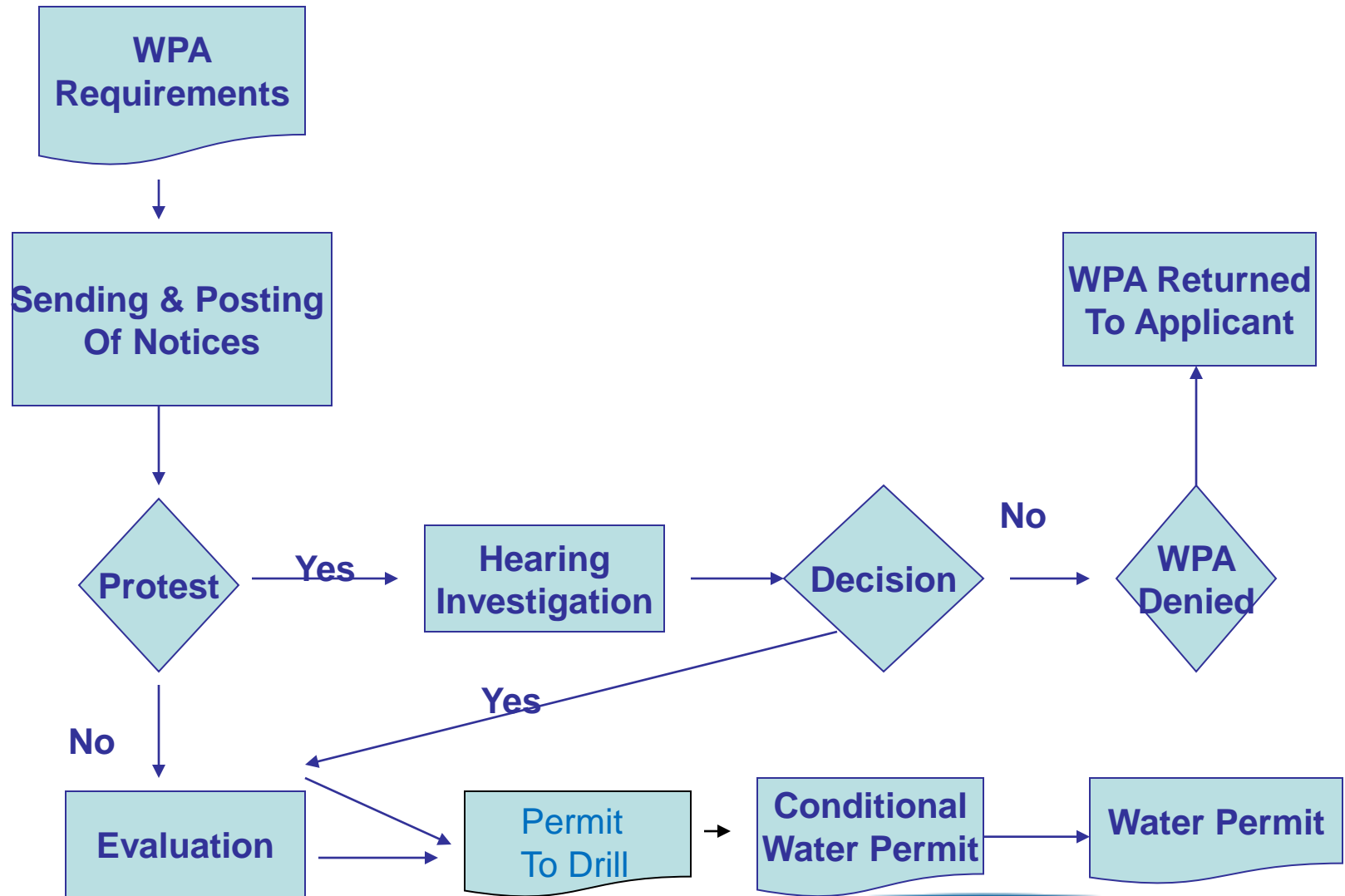
# Qualifications of Applicants for Permit/Authority

- **Citizens of the Philippines**
  - **Associations, duly registered cooperatives or corporations organized under Philippine laws, at least 60% of the capital of which is owned by citizens of the Philippines**
  - **Government entities and instrumentalities, including government-owned or controlled corporations**
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# Requirements for Power Generation Purpose

- Proof of Landownership of, or legal title to, or right to use, the property on which the water source is situated
- Certificate of Registration from relevant agencies (DTI, CDA, SEC)
- Schematic Diagram of proposed development/Vicinity Map/Location Map 1:50,000 showing exact location of the point of diversion
- Brief description of the project stating among others, how water will be used, amount of water needed, power to be generated.
- Well drilling data, in case of groundwater source
- ECC
- Certificate of Registration and Endorsement of the project from the DOE
- Environmental/ecological study and sustainability plan
- Such other documents as may be required by the Board

# FLOW CHART OF PROCESSING OF WATER PERMIT APPLICATION



## NWRB Board Resolution No. 03-0613

### “Policy on Granting Water Rights over Surface Water for Hydropower Projects”

- Water Permit Application
- Conditional Water Permit
- Technical Evaluation
- - 80%-dependable flow
- Other Conditions in the Water Permit

#### Supplemental Policy

- More than 80% dependable flow -environmental/ecological study and sustainability plan is required
- Applications using irrigation canals do require environmental/ecological study and sustainability plan
- Applications whose available discharge to be granted is less than the amount applied- business mode/viability plan of the project is required
- With existing permits, petition for increase in volume must be filed


# Conditions in the Conditional Water Permit (CWP)

- Upon receipt of the CWP, the grantee shall manifest in writing his acceptance thereof with all its terms and conditions
- Within 2 years from the date of receipt, the grantee shall submit:
  - a. Right to use the land in case the water source is located within inalienable land or public domain;
  - b. Copy of the plans and specifications for the diversion works, pump structure, water measuring device and other required structures;
  - c. Actual daily streamflow data measurement of the proposed water source;
  - d. ECC/Certificate of non-coverage;
  - e. Free and Prior Informed Consent (FPIC) from the National Commission on Indigenous People (NCIP)
- The grantee shall install and maintain water control and measuring devices to monitor water level and releases/extraction and water meters duly tested and sealed by the Monitoring & Enforcement Division of the NWRB and keep records of withdrawals to be submitted to the Board on a quarterly basis.
- The grantee shall pay the appropriate Annual Water Charges during the validity of the CWP.

# Conditions in the Water Permit

- **Payment of Annual Water Charges**
- **Quarterly Record of Water Withdrawal**
- **Non-Use of Water for the purpose stipulated in the water permit for a period of three consecutive years from the date of issuance or completion of diversion works and necessary structures shall render the permit null and void**

# Grounds for Revocation/Cancellation

- Non-Use
  - Gross violation of the conditions imposed in the permit
  - Unauthorized sale of water
  - Willful failure or refusal to comply with rules & regulations of the Board
  - Appropriator is found to be disqualified under the law to exploit and develop natural resources of the Philippines
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**Thank you!**