

REPUBLIC ACT No. 3931

AN ACT CREATING THE NATIONAL WATER AND AIR POLLUTION CONTROL COMMISSION.

Section 1. *Statement of Policy.* It is hereby declared a national policy to maintain reasonable standards of purity for the waters and air of this country with their utilization for domestic, agricultural, industrial and other legitimate purposes.

Section 2. *Definitions.* As used in this Act:

- (a) "Pollution" means such alteration of the physical, chemical and/or biological properties of any water and/or atmospheric air of the Philippines, or any such discharge of any liquid, gaseous or solid substance into any of the waters and/or atmospheric air of the country as will or is likely to create or render such waters and/or atmospheric air harmful or detrimental or injurious to public health, safety or welfare, or to domestic, commercial, industrial, agricultural, recreational or other legitimate uses, or to livestock, wild animals, birds, fish or other aquatic life.
- (b) "Sewage" means the water-carried human or animal wastes from residences, buildings, industrial establishments, or other places, together with such water infiltration and surface water as may be present. The admixture of sewage as above defined and industrial wastes or other wastes as hereafter defined, shall be considered "sewage".
- (c) "Industrial waste" means any liquid, gaseous or solid matter, or other waste substance or a combination thereof resulting from any process of industry, manufacturing trade or business or from the development, processing or recovery of any natural resources.
- (d) "Other waste" means garbage, refuse, wood residues, sand, lime, cinders, ashes, offal, night-oil, tar, dye stuffs, acids, chemicals, and other substances not sewage or industrial waste which may cause or tend to cause pollution, or contribute to the pollution of the waters and/or atmospheric air of the Philippines.
- (e) "Sewage system or sewerage system" means pipe lines or conduits, pumping stations, force mains, constructed drainage ditches, and all other construction, devices, and appurtenances used for collecting or conducting sewage, and industrial waste or other wastes to a point of ultimate disposal or discharge.
- (f) "Treatment works" means any methods, construction, device or appliances appurtenant thereto, installed for the purpose of treating neutralizing, stabilizing, disinfecting, or disposing of sewage, industrial waste or other wastes, or for the recovery of by-product from such sewage, industrial waste or other wastes.
- (g) "Sewage works" means individually or collectively those constructions or devices used for collecting pumping, treating, and disposing of sewage, industrial waste or other wastes, or for the recovery of by-products from such sewage, industrial waste or other wastes.
- (h) "Outlet" means the terminus of a sewage works or point of emergence into the waters and/or atmospheric air of the Philippines of any sewage, industrial waste or other wastes.
- (i) "Waters of the Philippines" means all accumulations of water, surface and underground water, natural or artificial, public or private or parts thereof, which are within the Philippines or within its jurisdiction.
- (j) "Atmospheric air of the Philippines" means the air within the Philippines or within its jurisdiction.
- (k) "Person" or "Persons" means any individual public or private corporation, political subdivision, government agency, municipality, public or private institution, industry, co-partnership, association, firms, trust, or any other entity whatsoever.
- (l) "Stream standard" or stream standards" means such measure of purity or quality for any waters in the Philippines in relation to their reasonable and necessary use.
- (m) "Commission" means the National Water and Air Pollution Control Commission.

Section 3. Creation of the National Water and Air Pollution Control Commission; members; compensation; advisory council. There is hereby created and established in the Office of the President of the Philippines, the National Water and Air Pollution Control Commission, with permanent office in the City of Manila. The Commission shall be composed of the Chairman of the National Science Development Board, as chairman, and, as members, four part-time commissioners, one of whom shall be an officer of the Department of Health who shall be designated by the Secretary of Health; another shall be an officer of the Department of Agriculture and Natural Resources, who shall be designated by the Secretary of Agriculture and Natural Resources; and the remaining two shall be representatives of the private sector who shall be appointed by the President of the Philippines with the consent of the Commission on Appointments, one upon recommendation of the Philippine Council of Science and Technology, and the other upon the recommendation of the Chamber of Industries of the Philippines; and two full-time commissioners who shall likewise be appointed by the President of the Philippines, with the consent of the Commission on Appointments. One of the full-time commissioners shall be a sanitary engineer; and the other a lawyer. Both shall be at least thirty-five years of age and shall each have had at least ten years experience in the practice of his profession.

The two part-time commissioners representing the private sector and the two full-time commissioners shall serve for four years and until their successors shall have been appointed and qualified. They may not be removed except for cause. Upon the death, resignation or removal of any of them, the President shall appoint a qualified person to fill the vacancy for his unexpired term.

The chairman and members of the Commission, except the full-time commissioners, shall receive no compensation for their services, but they shall receive per diems of fifty pesos each per meeting plus the necessary traveling expenses incurred in the discharge of their duties as members of the Commission. The two full-time members shall each receive a yearly compensation of eighteen thousand pesos. They shall also receive traveling expenses incurred in the discharge of their duties as commissioners.

Section 4. Organization of the Commission; its offices; cooperation with other agencies; acceptance of donations. The President of the Philippines shall organize the Commission within thirty days after the approval of this Act.

The Technical Secretary of the Commission shall be appointed by the Commission. He shall be a sanitary engineer with at least five years experience in the technical and administrative fields of engineering. He shall be the active administrator of all water and air pollution control activities of the Commission. The Technical Secretary shall, during the interim between meetings of the Commission, handle such correspondence, make or arrange for such inspections and investigations, and obtain, assemble or prepare such reports and data as the Commission may direct or authorize. His compensation shall be determined by the Commission.

The Commission shall provide such technical scientific or other services, including the necessary laboratory and other facilities as may be required for the purpose of carrying out the provisions of this Act. The basic personnel necessary to carry out the provisions of this Act shall be engineers, chemists, bio-chemists, physicists, and other technicians: *Provided*, That the Commission may, by agreement, secure such services as it may deem necessary from other agencies of the National Government, and may make arrangements for the compensation of such services. The Commission may also employ and compensate, within appropriations available therefor, such consultants, experts, advisors, or assistants on a full or part-time basis as may be necessary, coming from government or private business entities, associations, or from local or foreign organizations, to carry out the provision of this Act and may prescribe their powers, duties, and responsibilities.

The Commission may conduct scientific experiments, investigations and research to discover economical and practical methods of preventing water and air pollutions. To this end, the Commission may cooperate with any public or private agency in the conduct of such experiments, investigations and research and may accept, and receipt for such money for and in behalf of the National Government, given by any international, national or other public or private agency for water and air pollution control activities, surveys or programmes: *Provided*, That sums of money shall be used only for the purpose for which they are contributed and any balance remaining after the conclusion of experiments, investigations and research shall be returned to the contributors. The Commission is authorized to promulgate such rules and regulations or enter into contracts as it may deem necessary for carrying out the provisions of this Act.

Section 5. *Meeting of the Commission, quorum.* The Commission shall meet as often as necessary to carry into effect the provisions of this Act and at times and places to be designated by the Chairman of the Commission, and shall keep a complete record of the meetings which shall be kept on file in the office of the Technical Secretary, and shall determine the rules of its own proceedings. Meetings may be called by the chairman upon his own initiative or upon the written request of two or more members of the Commission. Written notice of the time and place of such meetings shall be delivered to the office of each member of the Commission and the Technical Secretary. Four members of the Commission shall constitute a quorum to transact the business of the Commission: *Provided, however*, That the concurrence of the majority of all the members of the Commission

shall be necessary to exercise the powers and duties enumerated in Section six of this Act and to render any order, judgment or decision in the proceedings referred to in section seven and eight hereof.

Section 6. Powers and duties. (a) The commission is hereby authorized to:

1. Determine if pollution exists in any of the waters and/or atmospheric air of the Philippines. Findings of the Commission regarding the existence of pollution shall be filed on record in the office of the Commission.
2. Adopt, prescribe, and promulgate rules and regulations governing the procedures of the Commission with respect to hearings; the methods and manner under which plans, specifications, designs, or other data relative thereto shall be submitted for sewage works and industrial wastes disposal systems or for addition or change to or extensions of such work; the filing of reports; the issuance of permits; and such other reasonable rules and regulations as may be necessary from time to time in the proper implementation and enforcement of this Act.
3. Hold public hearings, receive pertinent and relevant proofs from any party in interest who appear before the Commission, make findings of facts and determinations, all with respect to the violations of this Act or orders issued by the Commission.
4. Make, alter or modify orders requiring the discontinuance of pollution of the waters and/or atmospheric air of the Philippines due to the discharge of sewage, industrial wastes or other wastes and specifying the conditions and the time within which such discontinuance must be accomplished.
5. Institute or cause to be instituted in a court of competent jurisdiction legal proceedings to compel compliance with the provisions of this Act.
6. Issue, renew, or deny permits, under such conditions as it may determine to be reasonable, for the prevention and abatement of pollution, for the discharge of sewage, industrial wastes or other wastes, or for the installation or operation of sewage works and industrial disposal systems, or parts thereof, except that no permits shall be required of any new sewage, works or changes to or extensions of existing works that discharge only domestic or sanitary wastes from a single residential building housing or occupied by twenty pesos or less: *Provided, however,* That applications for the issuance or renewal of permits required under this Act shall be filed with and decided by the city engineer or district engineer of the city or province from which the discharge of industrial or other wastes shall originate, in accordance with rules, regulations and standards to be issued by the Commission. In case of doubt, the city or district engineer shall consult with the Commission before issuing, renewing, or denying the permit applied for; and any decision of the city or district engineer may be appealed by the applicant or by any resident of the place who may be affected by the discharge of waste to the Commission, under such rules and regulations as the Commission shall issue for such appeals.
7. After due notice and hearing, revoke suspend or modify any permit issued under this Act, whenever modifications are necessary to prevent or abate pollution of any water and/or atmospheric air of the Philippines.
8. Cause such investigation to be made as it may deem advisable and necessary for the discharge of its duties under this Act.
9. Settle or compromise any dispute arising out of the implementation and enforcement of the second paragraph of Section ten of this Act as it may seem advantageous to the public interest.
10. Perform such other duties as may be necessary to carry out effectively the duties and responsibilities prescribed in this Act.

(b) The Commission shall have the following duties and responsibilities:

1. To encourage voluntary cooperation by the people, municipalities, industries, associations, agriculture and representatives of other pursuits in the proper utilization and conservation of the waters and/or atmospheric air of the Philippines.
2. To encourage the formation and organization of cooperative groups or associations in municipalities, industries, enterprises and other users of the waters who severally and jointly are or may be the source of pollution of the same waters, the purpose of which shall be to provide a medium to discuss and formulate plans for the prevention and abatement of pollution.
3. To serve as arbitrator for the determination of reparations involved in the damages and losses resulting from the pollution of the waters and/or air in the Philippines.

4. To devise, consult, participate, cooperate and enter into agreements with other agencies of the government, and with affected political groups, political subdivisions, and enterprises in the furtherance of the purpose of this Act. This particularly refers to such cooperative agreements with the various provincial and municipal governments in securing their assistance in carrying out the provisions of this Act.
5. To prepare and develop a comprehensive plan for the abatement of existing pollution and prevention of new and/or imminent pollution of the waters and/or atmospheric air of the Philippines.
6. To issue standards, rules and regulations to govern city and district engineers in the approval of plans and specifications for sewage works and industrial wastes disposal systems and in the issuance of permits in accordance with the provisions of this Act, and to inspect the construction and maintenance of sewage works and industrial wastes disposal system for compliance of the approved plans.
7. To collect and disseminate information relating to water and atmosphere pollution and the prevention, abatement and control thereof.
8. To authorize its representatives to enter at all reasonable times in or upon any property of the public dominion and private property devoted to industrial, manufacturing, processing or commercial use without doing damages, for the purpose of inspecting and investigating conditions relating to pollution or the possible or imminent pollution of any waters or atmospheric air of the Philippines.

Section 7. *Public Hearings.* Public hearings shall be conducted by the Commission in connection with and prior to action by the said Commission on the following cases:

- (a) Any order or findings of the Commission requiring the discontinuance of discharge of sewage, industrial wastes or other wastes into the waters or atmospheric air of the Philippines as provided for in this Act.
- (b) Any order denying, revoking or modifying a permit as provided by this Act.

The hearing herein provided may be conducted by the Commission itself at a meeting of the Commission, or the Commission may delegate to any member, or to the Technical Secretary the power and authority to conduct such hearings in the name of the Commission at any time and place. In such hearings, any member of the Commission, or the Technical Secretary may issue in the name of the Commission, notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in any such hearing, and may examine such witnesses. All stenographic transcript of the proceedings of said hearings shall be taken and filed with the Commission.

Section 8. *Proceedings before the Commission.* The Commission may, on its own motion, or upon the request of any person, investigate or may inquire, in a manner to be determined by it, as to any alleged act of pollution or the omission or failure to comply with any provisions of this Act or any order of this Commission.

Whenever it appears to the Commission, after investigation, that there has been a violation of any of the provisions of this Act or any order of the Commission, it may order whoever causes such violation to show cause before said Commission why such discharge of industrial wastes or any waste should not be discounted. A notice shall be served on the offending party directing him or it to show cause before the Commission, on a date specified in such notice, why an order should not be made directing the discontinuance of such violation. Such notice shall specify the time and the place where a public hearing will be held by the Commission or its authorized representatives, and notice of such hearing shall be served personally or by registered mail, at least ten days before said hearing; and in the case of a municipality or corporation such notice shall be served upon the mayor or president thereof. The Commission shall take evidence with reference to said matter and may issue an order to the party responsible for such violation, directing that within a specified period of time thereafter, such violation be discontinued unless adequate sewage works or industrial wastes disposal system be properly operated to prevent further damage or pollution.

No investigation being conducted or ruling made by the Commission shall prejudice any action which may be filed in court by any person in accordance with the provisions of the New Civil Code on nuisance. On matters, however, not related to nuisance, no court action shall be initiated until the Commission shall have finally ruled thereon and no order of the Commission discontinuing the discharge of waste shall be stayed by the filing of said court action, unless the court issues an injunction as provided for in this Rules of Court.

Section 9. *Prohibitions.* No person shall throw, run, drain, or otherwise dispose into any of the water and/or atmospheric air of the Philippines, or cause, permit, suffer to be thrown, run, drain, allow to see or otherwise dispose into such waters or atmospheric air, any organic or inorganic matter or any substance in gaseous or liquid form that shall cause pollution of such waters or atmospheric air.

No person shall perform any of the following activities without first securing a permit from the city or district engineer for the discharge of all industrial wastes and other wastes which are or may be discharged into the waters or atmospheric air of the Philippines, which could cause pollution thereof:

- (1) the construction, installation, modification or operation of any sewage works or any extension or addition thereto;
- (2) the increase in volume or strength of any wastes in excess of the permissive discharge specified under any existing permit;
- (3) the construction, installation, or operation of any industrial or commercial establishments or any extension or modification thereof or addition thereto, the operation of which would cause an increase in the discharge of wastes directly into the waters or atmospheric air of the Philippines or would otherwise alter the physical, chemical or biological properties of any waters or atmospheric air of the Philippines in any manner not already lawfully authorized;
- (4) the construction or use of any new outlet for the discharge of any waste, gaseous or liquid, directly into the waters or atmospheric air of the Philippines.

Section 10. *Penalties.* Any person who shall violate any of the provisions of Section nine of this Act or who violates any order of the Commission, shall be liable to a penalty of not to exceed fifty pesos for each day during which the violation continues, or by imprisonment of from two years to six years, or by both fine and imprisonment and in addition such person may be required or enjoined from continuing such violation as hereinafter provided.

Any person who violates any of the provisions of, or fails to perform any duty imposed by this Act, or who violates and order or other determination of the Commission promulgated pursuant to this Act, thereby causing the death of fish or other aquatic life, or damages or destroys the natural habitat necessary for the propagation of fish or other aquatic life, shall in addition to the penalty above prescribed, be liable to pay the government for damages for fish or other aquatic life destroyed. The Commission after consultation with fishery officials of the Department of Agriculture and Natural Resources shall, through a court of competent jurisdiction, bring an action against such person and recover the reasonable value of the fish or other aquatic life and/or habitat destroyed by such pollution. Any amount so recovered shall be placed in the funds made available to the Fisheries Commission.

Section 11. *Jurisdiction.* The Commission shall have no jurisdiction over waterworks or sewage systems operated by the NAWASA but rules and regulations issued by the Commission for the protection and prevention of pollution of the atmospheric air and water of the Philippines under the authority herein granted shall supersede and prevail over any rules or regulations as may heretofore have been issued by the NAWASA or by the Department of Health on the same subject matter.

Section 12. *Appropriation.* The sum of one million five hundred thousand pesos or so much thereof as may be necessary is hereby authorized to be appropriated yearly for the operating expenses of the Commission as additional appropriation to the yearly budget of the Office of the President of the Philippines.

Section 13. *Repealing clause.* Any Act or parts of Acts inconsistent with the provisions of this Act are hereby repealed, without prejudice to the provisions of Republic Act Numbered Thirteen hundred seventy-eight.

Section 14. *Effectivity.* This Act shall take effect upon its approval.

Approved: June 18, 1964