

MALACAÑAN PALACE

MANILA

EXECUTIVE ORDER NO. 860

REDEFINING THE COMPOSITION AND POWERS OF THE NATIONAL WATER RESOURCES BOARD

WHEREAS, Act No. 2152 of 1912, the Irrigation Act, vested in the Secretary of Commerce and Police the power to grant appropriation of public waters, upon the recommendation of the Irrigation Council consisting of the Secretary of Commerce and Police; the chairman of the Committee on Agriculture of the Philippine Assembly; the Director of Public Works; the chairman of the Committee on Public Works of the Philippines Assembly; and one agriculturist;

WHEREAS, Presidential Decree No. (PD) 198 of 1973 provided that the rates or charges established by a local water utility shall be subject to review by the Local Water Utilities Administration (LWUA);

WHEREAS, 424 of 1974 created a National Water Resources Council (Council) with the following regulatory and executory functions:

- a. Coordinate and integrate water resources developing activities of the country;
- b. Determine, adjudicate, and grant water rights amending, for this purpose, Act No. 2152;
- c. Formulate and promulgate, among others, rules and regulation for the exploitation and optimum utilization of water resources, including the imposition on water appropriators of such fees or charges as may be deemed necessary by the Council for Water Resources Development;

WHEREAS, under PD 424, the Council shall be composed of the following, provided that the National Economic and Development Authority may increase or decrease the membership of the Council: Secretary of Public Works, Transportation and Communications as Chairman; Secretary of Department of Agriculture and National Resources, or his Undersecretary; Director-General, National Economic and Development Authority, or his Deputy; Administrator, National Irrigation Administration; General Manager, National Power Corporation; and Director, Bureau of Public Works;

WHEREAS, PD 1067 of 1976, the Water Code of the Philippines, provided that utilization, exploitation, development, control, conservation or protection of water resources shall be subject to the control and regulation of the government through the National Water Resources Council (Council);

WHEREAS, PD 1067 provided that any persons who desires to obtain a water permit shall file an application with the Council;

WHEREAS, where water shortage is recurrent, the use of the water pursuant to a permit may, in the interest of equitable distribution of benefits among legal appropriators, be reduced after due notice and hearing;

WHEREAS, PD 1067 provided that the Council shall have original jurisdiction over all disputes relating to appropriation, utilization, exploitation, development, control, conservation and protection of waters;

WHEREAS, PD 1067 did not grant the Council the specific power to regulate the water tariffs of Water Districts;

WHEREAS, Executive Order No. (EO) 124, series of 1987, renamed and reorganized the Council as the Natural Water Resources Board and transferred all of its technical functions to the Bureau of Research and Standards of the Department of Public Works and Highways;

WHEREAS, pursuant to Section 31, Chapter 10, Title III, of EO 292, the Administrative Code of 1987, vests the President with the continuing authority to reorganize the bureaucracy wherein she may transfer any agency or function of any executive department to the Office of the President and vice versa;

WHEREAS, EO 123, series of 2002, reconstituted the membership of the NWRB to exclude those with direct claims on water resources, as follows: Secretary of Environment and Natural Resources as Chair; Secretary of Socio-Economic Planning as Vice-Chair; Secretary of Justice; Secretary of Health; Director, National Hydraulic Research Center, University of the Philippines; Executive Director, NWRB Secretariat;

WHEREAS, EO 123 provided for a process to transfer the NWRB to the DENR;

WHEREAS, EO 123 ordered the Local Water Utilities Administration (LWUA) to desist from regulating the water tariffs of Water Districts, transferring the said function to NWRB, except for the rates of water districts in which LWUA has financial exposure;

NOW THEREFORE I, GLORIA M. ARROYO, President of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. The National Water Resources Board (NWRB) Secretariat is hereby transferred to the Department of Environment and Natural Resources;

SECTION 2. The members of the NWRB shall be composed of the following;

Chair:	Secretary of Environment and Natural Resources;
Vice-Chair:	Secretary of Socio-Economic Planning
Members:	Secretary of Justice Secretary of Science and Technology

	Director, National Hydraulic Research Center, University of the Philippines
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SECTION 3. The primary function of the NWRB shall be to control and regulate the utilization, exploitation, development, conservation and protection of water resources in accordance with the specific provisions of the Water Code.

SECTION 4. The NWRB shall desist from regulating the water tariffs of Water Districts, which shall hereinafter be undertaken by the Local Water Utilities Administration in accordance with Presidential Decree No. 198 as amended by Executive Order 124-A, series of 1987.

SECTION 5. If any provision of this Order is declared unconstitutional or invalid, the other provisions not affected thereby should remain in full force and effect.

SECTION 6. All orders, executive issuances, rules and regulations, or parts thereof inconsistent with the provisions of this Order are hereby repealed or modified accordingly.

SECTION 7. This Order shall take effect immediately.

DONE in the City of Manila, this 8th day of February in the Year of our Lord, Two Thousand and Ten.

(Sgd.) **GLORIA MACAPAGAL-ARROYO**

By the President:

(Sgd.) **EDUARDO R. ERMITA**

Executive Secretary