



Republic of the Philippines
SANGGUNIANG PANLUNGSOD
City of Mandaluyong

ORDINANCE NO. 499, S-2012

**AN ORDINANCE REGULATING THE USE OF GROUNDWATER
IN MANDALUYONG CITY, PROVIDING PENALTIES
FOR VIOLATION THEREOF AND FOR OTHER PURPOSES**

WHEREAS, water is a limited resource and being one of the basic needs of man, must be consumed and used efficiently to sustain adequate supply all throughout the years;

WHEREAS, equally important, too, is the suitability of water for human consumption and use, and its adaptability to water fixtures and facilities in homes and business establishments;

WHEREAS, indiscriminate drilling and excavation of wells, as well as, unregulated use and excessive extraction of groundwater therefrom not only dry up scarce water sources but also destroy the environment resulting in contamination through seepage of toxic or hazardous materials and chemical residues;

WHEREAS, the foregoing also lead to land subsidence—a decline in land surface elevation—which may cause flooding, pipeline breakage or even collapse of buildings and other structures;

WHEREAS, and the above premises considered, there is a compelling need to enact local legislation regulating the use, conservation, development and protection of scarce water resources;

NOW, THEREFORE, be it ordained by the Sangguniang Panlungsod, City of Mandaluyong, in session assembled:

ARTICLE 1
GENERAL PROVISION

- SECTION 1. This Ordinance shall be known as the Sustainable Groundwater Utilization Ordinance of the City of Mandaluyong City.
- SECTION 2. This Ordinance aims to conserve groundwater and protect its purity to ensure sustainable supply of potable water for the use of residents and business establishments in Mandaluyong City and to protect, the environment, as well, against land subsidence and water source contamination.
- SECTION 3. This Ordinance applies to all types of proposed or existing construction projects involving the drilling and/or excavation of well, whether residential, commercial or industrial, recreational or otherwise within the territorial jurisdiction of the City provided, however, that churches, convents, mosques and other places of worship including all lands, buildings and improvements used solely for religious purposes shall be exempt from this Ordinance.

ARTICLE 2
DEFINITION OF TERMS

SECTION 1. For the purposes of this Ordinance, the following terms shall mean as follows:

- BACK UP SOURCE** refers to a well intended to supply water to fill the water supply deficiency of the MWSS or its concessionaires; also referred to as secondary source.
- BUILDING OFFICIAL** is the official responsible for administering, implementing and enforcing the National Building Code (NBC) and its Implementing Rules and Regulation (IRR) including orders and decisions of competent authority issued pursuant thereto.
- CONCESSIONAIRES** refers to the Manila Water Authority that covers the City of Mandaluyong.
- DEEP WELL** refers to a well whose water level is at a depth exceeding twenty two (22) feet above at which level the ordinary pump does not operate satisfactorily.
- DOMESTIC USE/PURPOSE** is the utilization of water for drinking, washing, bathing, cooking or other household needs, and for watering of home gardens or lawns or for bathing or cleaning domestic animals or pets.
- EXCESSIVE USE** refers to extraction and/or of more than 5,000 cubic meters of water a month from a primary source or back up/secondary source for domestic use or purpose, or more than a volume authorized under the water permit. If for purposes other than domestic use, or the use of a well as the primary source of water in an area where surface water is available, whether or not a steady supply 24 hours a day.
- GROUNDWATER** water within the earth contained by an impermeable layer that supplies wells and springs.
- PRIMARY SOURCE** refers to a well established and operated in an area where surface water is not provided by the MWSS or its concessionaires, as the principal source of potable water supply.
- SANITARY/PLUMBING (DRILLING/EXCAVATION) PERMIT** a written authorization granted by the Building Official to an applicant, permitting him to drill or excavate a well.
- SHALLOW WELL** refers to a well, which has a depth of less than twenty two (22) meters or one hundred (100) feet.
- SUBSIDENCE** failing, lowering or flattening out of the land elevation.

- SURFACE WATER** refers to the potable water supplied by the Metropolitan Waterworks and Sewerage System (MWSS) through its concessionaires.
- WATER PERMIT** a permit granted by the National Water Resource Board (NWRB) to an applicant to extract water under certain conditions.
- WELL** is either a shallow or deep well where water is extracted for domestic or other use in food preparation.

ARTICLE 3 CONDITION ON THE DRILLING/EXCAVATION OF WELLS

- SECTION 1.** The establishment and operation of a well as primary source of water shall be permitted only in areas where surface water is not provided by MWSS or its concessionaires; provided that the extraction/use of water from said well shall not exceed five (5) cubic meters per month, if for domestic use only, or the volume authorized under the Water Permit, if for purposes other than domestic use.

In areas where surface water is made available by MWSS or its concessionaires but not on an hour/daily basis, the establishment and operation of well may be permitted; provided it will be used only as a secondary or back up source of water and provided further that the use of water from said well shall not exceed five (5) cubic meters per month, if for domestic use only, or the volume authorized under the Water Permit, if for purposes other than domestic use. This system shall be known as “use for back-up only” rule.

Wells, as primary source of water, should be permitted only until surface water as provided by the MWSS or its concessionaires on a twenty-four (24) hours/daily basis.

Use of well, as secondary or back-up source of water, shall be permitted only at certain period of the day or night when there is no supply of surface water. Continuous use shall be allowed until such time that surface water becomes available.

ARTICLE 4 MANDATORY REQUIREMENTS PRIOR TO THE ISSUANCE OF BUILDING AND BUSINESS PERMITS

- SECTION 1.** Additional requirements for applications for Sanitary/Plumbing (Drilling/Excavation) permits.
1. All applications for Sanitary/Plumbing (Drilling/Excavation) Permits shall include:

- a. A detailed plan of the water supply system of the building.
 - b. If water supply will be sourced from the groundwater well (deep well or shallow well), photocopies of the Water Permit duly issued by the National Water Resources Board (NWRB) and the conformity of the Metropolitan Waterworks and Sewerage System (MWSS) and/or its concessionaires.
 - c. If water supply is sourced from groundwater well (deep well or shallow well), the details, specifications, and site development plan of the well to be constructed (e.g. distance/space from the nearest well, depth, casing, diameter, materials, used volumes of water extracted in a day, TCT, Tax Declaration, Tax Receipts, Barangay Clearance).
2. In case the applicant is a lessee, a photocopy of the duly notarized Contract of Lease.
 3. If the applicant is a corporation, photocopies of the Certificate of Registration of the Articles of Incorporation and the Articles of Incorporation, both duly certified by its Corporate Secretary.
 4. The originals of all required photocopies shall be exhibited to the Building Official or his authorized representative to determine if the photocopies submitted are faithful reproduction thereof.
 5. If water from the well will be used, the original Result of the Potability Test conducted by the City Health Department. When warranted, water filter purification system and chlorinator shall be required and installed to ensure that the water meets the National Standards for Drinking Water.
 6. Well/water plans, specifications and other details contained in appropriate forms and duly signed and sealed by a Registered Sanitary Engineer.

SECTION 2. ADDITIONAL REQUIREMENTS FOR APPLICATION OF NEW/RENEWAL OF BUSINESS PERMITS. All applicants for new business permits or renewal of business permits shall include a sworn statement containing the following:

1. A statement identifying the source of water supply of the applicant.
2. If the applicant owns or operates a well in his/her establishment/s, a statement that the well is covered by a Water Permit from the NWRB, with the conformity of MWSS and/or its concessionaires, and a Sanitary/Plumbing Permit copies of said Water Permit and official certified copies of said Water Permit and Sanitary/Plumbing Permit shall be attached to the sworn statement.
3. A statement that the applicant has and will continue to comply with all the requirements of said Water Permit.
4. If the applicant is a lessee, a sworn certification from the lessor/owner of the building where his establishment is located, containing the statements mentioned in paragraph 2 and 3 above.

If no water permit and a Sanitary/Plumbing Permit are presented as mentioned in paragraph 2, the applicant shall be advised to secure a Water Permit from the NWRB and a Sanitary/Plumbing Permit for the well from the Office of the Building Official.

SECTION 3. ACTION ON THE APPLICATION. The requirements under Section 2 hereof are mandatory and the officials authorized to act on the applications may refer the documents submitted by the applicants to the NWRB and the MWSS or its concessionaires for verification, validation or authentication. If upon evaluation, the application shall be legal and technical requirements, the application shall be approved otherwise, the same shall be denied.

SECTION 4. VALIDITY OF SANITARY/PLUMBING (DRILLING/EXCAVATION) PERMIT. The issuance of a Sanitary/Plumbing (Drilling/Excavation) Permit shall not be interpreted or construed as a license to violate any provision of the National Building Code. The Water Code, the Sanitation Code and the Plumbing Code or any applicable laws or ordinance.

A Sanitary/Plumbing (Drilling/Excavation) Permit issued under the Ordinance shall expire and cease to have any legal effect if the drilling/excavation work authorized thereby has not commenced within a period of one (1) year from the date of issuance of said permit, or if the drilling/excavation is abandoned at any time after it has been commenced, for a period of four (4) months.

SECTION 5. SUSPENSION/REVOCAION OF SANITARY/PLUMBING (DRILLING/EXCAVATION) PERMIT. The Building Official may suspend or revoke a permit issued under this Ordinance if it is found, after notice and hearing, that the plans and specifications are erroneous or defective, the data supplied by the applicant is false or inaccurate, or the requirement were not complied with.

ARTICLE 5
FEES FOR SANITARY/PLUMBING
(DRILLING/EXCAVATION) PERMIT

SECTION 1. The fees for the issuance of Sanitary/Plumbing (Drilling/Excavation) Permit are as follows:

a.	Processing fee for digging water	P 300.00
b.	Excavation Permit fee for drilling well	
I.	For 2 inch pipes:	
	First 200 feet	Php 200.00
	Over 200 ft./ft	5.00
II.	For 3 inch pipes:	
	First 200 feet	Php 300.00
	Over 200 ft./ft	5.00
III.	For 4 inch pipes:	
	First 200 feet	Php 500.00
	Over 200 ft./ft	10.00

IV.	For 5 inch pipes:	First 200 feet	Php 1,000.00
		Over 200 ft./ft	10.00
V.	For 6 inch pipes:	First 200 feet	Php2,000.00
		Over 200 ft/ft	10.00

**ARTICLE 6
 CERTIFICATE OF USE**

- SECTION 1. CERTIFICATION OF COMPLETION. Upon completion of the well drilling excavation, a Certificate of Completion duly signed by a Registered Sanitary Engineer and NWRB Accredited Well Drillers shall be submitted to the Sanitary/Plumbing Permit Section, Office of the Building Official, together with the plans/specifications and photocopies of the Sanitary/Plumbing Permit, Water Permit issued by the NWRB and Philippine Groundwater Data Bank Well Record.
- SECTION 2. INSPECTION. Upon submission of the above-mentioned documents, the well shall be inspected by an authorized inspector of the Office of the Building Official to determine compliance with the plans, specifications and requirements.
- SECTION 3. CERTIFICATE OF USE. If the well is found to comply with the plans, specifications and requirements, the Building Official shall issue a Certificate of Use.
- SECTION 4. EXPIRATION/RENEWAL. The Certificate of Use shall be valid for one (1) year from its issuance of Application for its renewal shall be made not later than one (1) month before the expiration of its validity.
- SECTION 5. FEES. The following fees shall be charged for the issuance of the Certificate of use of the renewal thereof.

Deep well	P 1,000.00
Shallow well	P 300.00

**ARTICLE 7
 WATER EXTRACTION FEES**

- SECTION 1. FEES. Wells property covered by NWRB and Sanitary/Plumbing (Drilling/Excavation) permits shall be subjected to the following monthly fees for groundwater extraction.

Those extracting 1 to 2,000 cubic meters per month	Php 70.00/cu.m
Those extracting 2,001 to 5,000 cubic meters per month	Php 75.00/cu.m
Those extracting more than 5,000	Php80.00 cu.m.

Excessive use of water is a violation of the back-up use only under the second paragraph of Section 1, Article II hereof. The owner and/or operator of said well shall be charged, investigated and if warranted, penalized accordingly.

SECTION 2. PENALTIES

1. Owners and/or operators of well within the City of Mandaluyong without NWRB and Sanitary/Plumbing (Drilling/Excavation) Permits shall be penalized, as follows:
 - a. FOR ILLEGAL WELL CONSTRUCTION. A fine of Two Thousand Five Hundred (P2,500.00) Pesos or imprisonment of three (3) months or both, at the discretion of the court to be imposed against the owner of the deep well operator or administrator.
 - b. For illegal use/operation of well, the City may impose the closure of the well and the violators thereof shall be subject to a fine of Php2,500.00 or imprisonment of three (3) months or both, at the discretion of the court.
2. Owners and/or operators of wells with the necessary NWRB and Sanitary/ Plumbing permits found violating the back-up use only rule or using/operating a well as primary source when surface water is available or found guilty of excessive use as hereunder defined shall be fined Two Thousand Five Hundred (P2,500.00) Pesos. For the second or subsequent violation, the owner/operator shall be fined Two Thousand Five Hundred (P2,500.00) or imprisonment of three (3) months or both at the discretion of the court.
3. Should the owner or operator/user of a well that was closed pursuant to the provisions above, the open and the use or operate the said well without the appropriate permits or authorization from the Building Official he/it shall be penalized for the first offense, with a fine of Two Thousand Five Hundred (P2,500.00) Pesos and imprisonment of six (6) months and for the second and subsequent offenses, a fine of Two Thousand Five Hundred (P2,500.00) Pesos and imprisonment of one (1) year.
4. For violation of any other provisions hereof, a fine of Three Thousand (P3,000) Pesos for the first offense and Two Thousand Five Hundred (P2,500.00) Pesos for subsequent offenses.
5. If the owner or operator/user of the well is a corporation or partnership, the President/Chief Executive Officer (CEO) and the Chief Operating Officer (COO) thereof shall be charged and warranted, penalized under the foregoing applicable provisions.

SECTION 3. ASSISTANCE FROM MWSS AND ITS CONCESSIONAIRES. The City may request the assistance of and/or deputize the MWSS and/or its concessionaires to conduct investigation, collection, closure and other activities to effectively implement this Ordinance.

SECTION 4. CLEARANCE/CERTIFICATION.

1. All building and establishment with or without permit should get a clearance/certification from the water concessionaires (MWCI and MWSS) regarding water and supply availability of the premises.
2. In the event that the water concessionaires (MWSI and MWSS) can provide and meet the maximum requirement of the establishment deep well users with or without permit should be sealed by NWRB before a business permit can be issued.

ARTICLE 8
EXEMPTIONS

SECTION 1. The following shall secure the necessary Sanitary/Plumbing (Drilling/excavation) Permit but shall be exempt from payment of permit fees:

1. All government institutions and government owned or controlled corporations; and
2. Foreign governments, embassies, consulates and other foreign missions.

ARTICLE 9
FILING AND PAYMENT

SECTION 1. PAYMENT OF FEES. The fees shall be paid to the City Treasurer or duly authorized deputies before the Sanitary/Plumbing (Drilling/Excavation) Permit is issued.

SECTION 2. PAYMENT OF SURCHARGE. A surcharge of 100% of the fee imposed under Article 3 shall be collected from any person or entity that had already commenced to dig or excavate before the permit is issued.

SECTION 3. FILING OF APPLICATION. Application for Sanitary/Plumbing (drilling/excavation) permit shall be filed with the Office of the Building Official.

ARTICLE 10
MAINTENANCE

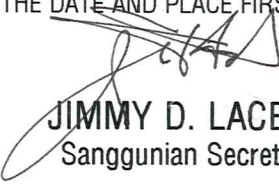
SECTION 1. All wells and their appurtenances, and the materials and parts thereof shall be maintained in proper operating condition at all times. The potability of water and all devices and safeguards employed to ensure the same shall be maintained in conformance with the latest standards. Failure to maintain the well in accordance herewith shall be a ground for the suspension of the permit.

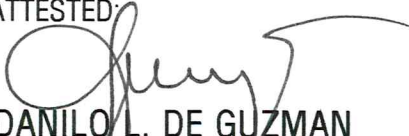
ARTICLE 11
FINAL PROVISIONS


SECTION 1. EFFECTIVITY. This Ordinance shall take effect fifteen (15) days after its publication in a newspaper of general circulation in the City of Mandaluyong.

ENACTED on this 2nd day of July, 2012 in the City of Mandaluyong.

I HEREBY CERTIFY THAT THE FOREGOING ORDINANCE WAS ENACTED AND APPROVED BY THE SANGGUNIANG PANLUNGSOD OF MANDALUYONG IN REGULAR SESSION HELD ON THE DATE AND PLACE FIRST ABOVE GIVEN


JIMMY D. LACEBAL
Sanggunian Secretary

ATTESTED:

DANILO L. DE GUZMAN
City Vice Mayor &
Presiding Officer

APPROVED:

BENJAMIN DC. ABALOS, JR.
City Mayor
Date: JUL 06 2012