

WHEREAS, Rural Waterworks and Sanitation Associations (RWSAs) are formed to fully prepare the barangay recipients to accept the responsibility of owning, operating, maintaining and managing community water system projects within their jurisdiction while promoting sustainable community sanitation;

WHEREAS, there is a need to set guidelines in the operation of Rural Waterworks and Sanitation Associations to properly formulate and implement a unifying framework that shall harmonize the work of all engaged stakeholders in the water sector and to ensure that the provision of safe water becomes universal, securing the safety and accessibility of water resources and to achieve a sustainable development;

NOW, THEREFORE, on motion of City Councilor Rosalita T. Nuñez, duly seconded by City Councilors _____, _____ and _____, be it –

RESOLVED, as it is hereby resolved to enact this Ordinance:

ORDINANCE NO. ____
Series of 2013

AN ORDINANCE PRESCRIBING THE GUIDELINES IN THE OPERATION OF RURAL WATERWORKS AND SANITATION ASSOCIATIONS (RWSAS) IN GENERAL SANTOS CITY

HON. ROSALITA T. NUÑEZ – AUTHOR
HON. DOMINADOR S. LAGARE III – Sponsor

Be it enacted by the Sangguniang Panlungsod, General Santos City that:

Section 1. Short Title.- This Ordinance shall be known as the General Santos City Rural Waterworks & Sanitation Guidelines.

Section 2. Declaration of Policy.- Consistent with the national policies on Republic Act 6716 An Act Providing for the Construction of Water Wells, Rainwater Collectors, Development of Springs and Rehabilitation of Existing Water Wells in all barangays in the Philippines it is hereby declared that the City of General Santos shall promote the quality of life of its constituents through the provision of adequate potable water supply to every barangay in the city.

Section 3. Definition of RWSA.- For purposes of this Ordinance, Rural Waterworks and Sanitation Association (RWSA) refers to a non-stock, non-profit organization formed by a group of persons in a defined area such as a street, a group of houses, a sitio or purok or a whole barangay for the purpose of establishing and maintaining water and sanitation.

Section 4. National laws used as basis for RWSA policies.- The following are the national laws used as legal basis for the operation of RWSAs:

- a) PD – 1067 - dated December 31, 1976, a decree instituting Water Code, revising and consolidating the laws governing the ownership, appropriation, utilization, exploitation, development, conservation and protection of water resources.
- b) Republic Act No. 6716 – dated July 25, 1988, providing for the construction of water wells, rainwater collectors, development of springs and rehabilitation of existing water wells in all barangays in the Philippines.
- c) Republic Act No. 6716 – dated July 25, 1988, Section 3 Operation and Maintenance - In order to ensure the proper use of the water facilities herein provided, a Barangay Waterworks and Sanitation Association, herein referred to as BWSA, shall be formed and organized for the purpose of maintaining the water facilities: Provided, That pending the organization of the BWSA/RWSA, the water facilities shall be operated and maintained by the barangay council.
- d) PD – 198 dated May 25, 1973 a decree declaring a national policy favoring local operation and control of water systems; authorizing the formation of local water districts and providing for the government and administration of such districts; chartering a national administration to facilitate improvement of local water utilities; granting said administration such powers that are necessary to optimize public service from water utility operations, and for other purposes.

Section 5. Articles of Incorporation and By-Laws.- The legal personality of the RWSAs shall be based on their Articles of Incorporation and By-Laws duly registered with the Securities and Exchange Commission (SEC).

Section 6. General Guidelines for RWSAS.-

- a) The RWSA, shall be a corporate body to be governed by the Articles of Incorporation, By-Laws or Memorandum of Agreement and other applicable laws, rules and regulations of the government of the Philippines to be signed among the donor agency, the barangay and the RWSAs, which shall own, operate and manage community water systems constructed by the national and city government.
- b) All RWSAs shall file their application for water permit/authority with the National Water Resource Board or the Office of Public Works District Engineer (based on PD # 1067 of the Philippine Water Code.).
- c) The Management of RWSA cannot transfer the operation and maintenance of the water system to any person or entity except to the GSC Water District.

- d) The association may be dissolved voluntarily by resolution adopted by the affirmative vote of at least two-thirds (2/3) of all members in the annual or special meeting or for any cause provided by law.
- e) After dissolution, the assets of the association shall be used to pay liquidation expenses and all debts of the association and any reserve or excess should be kept in trust with the Local Government Units concerned for future RWSAs that may be organized within the city.
- f) The RWSA has the option to convert its association into a cooperative to be registered with the Cooperative Development Authority (CDA).

Section 7. RWSA Composition.-

- a) General Membership – all household heads who file written application for membership with the secretary of the RWSA Board of Directors, agree to comply with and be bound by the Articles of Incorporation and By-Laws and policies and requirements adopted by the Board of Directors and approved by the general assembly.
- b) Board of Directors – are the RWSA Officials who manage the business and affairs of RWSA. Directors are elected during annual assembly meetings and shall serve according to the prescribed terms provided for in their Articles of Corporation and By-Laws.
- c) Committees – among others, RWSAs shall have the following committees.
 - c.1 Training and Education Committee – to handle all the barangay wide training activities in coordination with City Mayor's Office – Barangay Affairs Division (CMO-BAD).
 - c.2 Election Committee – to formulate guidelines consistent with Barangay Water Program (BWP) and handle all the election proceedings and results.
 - c.3 Audit and Supervisory Committee – to serve as the internal auditor of the association and submits audited financial reports on a monthly, quarterly or annual basis as required by the Board of Directors.
- d) Advisory Council - the offices listed below will act as members of Advisory Council and may join in the deliberation of the Board of directors and provide technical assistance, without compensation. Said council members shall have no voting power in the Board of Directors meeting.

BC	Barangay Council Chairperson where the RWSA is located
CMO-BAD	Office of the City Mayor (Barangay Affairs Division)
CSWDO	City Social Welfare and Development Office
CHO	City Health Office
CEO	City Engineer's Office
CENRO	City Environment and Natural Resources Office
CEMCO	City Economic Management & Coop. Development Office
DPWH	Department of Public Works and Highways
GSCWD	General Santos City Water District

Section 8. Functions & Responsibilities of the Association.-

- a) The RWSA shall facilitate the household water connection and mobilize all local resources within the community.
- b) The RWSA shall promote maintenance of sanitation through sanitary method of excreta disposal and other sanitary facilities and services to attain long-lasting impact on health and improve community living environment.
- c) The RWSA shall see to it that water sampling is conducted periodically per PD 856 Chapter II. Expenses shall be borne by RWSA.
- d) The association shall shoulder piping of existing water system for level II and level III, repair and rehab of the system including provision for their facilities and equipment.
- e) The RWSA in areas with free flowing wells, deep wells and spring shall regulate and conserve water supply in their area of operation.

Section 9. Management of RWSA.-

- a) The System of Management of RWSA shall be based on the Articles of Incorporation, By-Laws, and the Memorandum of Agreement to be signed among the donor agency, the barangay and the association.
- b) Each water system shall, upon construction, be turned-over by the national or city government to the barangay council which shall likewise turnover the project to one organized RWSA thru a resolution. The City Government however, should continue to provide technical assistance to the community even after the completion and turnover of the water facility through the City Mayor's Office – Barangay Affairs Division (CMO-BAD).

- c) A Core of Trainers from the Education and Training Committee shall handle all Barangay wide training activities, to directly coordinate with the City Mayor's Office – Barangay Affairs Division (CMO - BAD) for technical assistance.

Section 10. Settlement of Disputes.-

- a) Disputes arising between or among members, officers and employees shall first be mediated within the association by its Board of Directors;
- b) If the mediation fails on their level, the RWSA has the right to forward any dispute to the barangay for the settlement with the Barangay Officials and Lupon Tagapamayapa;
- c) If the problem still persists and cannot be settled at the barangay level the RWSA could elevate this to the Sangguniang Panglungsod (SP) for a committee hearing.
- d) Members of the committee shall consist of the SP Blue Ribbon Committee on Justice and Human Rights, RWSA Federation, Barangay Council and City Mayor's Office – Barangay Affairs Division (CMO-BAD).

Section 11. Financial Policies.-

- a) The RWSAs shall manage their finances through the Board of Directors (BOD) and a bonded Treasurer. The Treasurer/Collector and other persons authorized to handle cash and or other accountabilities must be adequately bonded by the association equivalent to 3 months gross collection or ₱20,000.00 which ever is higher. The Bond is drawn in favor of the RWSA.
- b) An annual budget shall be prepared and approved during the last quarter of each year to be operational at the beginning of each ensuing year. The approval is done by the General Membership in a plenary meeting called for the purpose.
- c) The RWSA auditor shall audit the financial statements. Annual audit report for submission to Securities and Exchange Commission shall be undertaken by an external auditor to be chosen by the General Assembly at the start of each year. Financial reports should also be submitted to lead agency at the end of the month like the City Mayor's Office-Barangay Affairs Division (CMO-BAD), Barangay Council and City Sangguniang Panlungsod.
- d) The RWSAs shall prepare monthly financial and operational reports to be posted in their bulletin board, copy of which

shall be submitted to the Barangay Council, the City Mayor's Office-Barangay Affairs Division and the Sangguniang Panlungsod for monitoring purposes.

- e) RWSA's should set uniform accounting procedures.
- f) Any amount collected from the consumer will be utilized for the maintenance, upkeep/ improvement and expansion of the water system.
- g) Any officials or members discovered by Audit to have misspent any funds of the Association, shall be required to pay within three (3) months, otherwise the same will be brought to court for corresponding civil and or criminal liability.
- h) The RWSA shall pay all fees and taxes required by law such as assessment, barangay tax, etc

Section 12. Functions of RWSA Federation.-

- a) Every barangay may establish its own RWSA Federation with the following duties and functions:
 - a.1 To assist in the education of RWSAs for community participation;
 - a.2 Assist in the administration of RWSAs to promote united and concerted effort to be able to achieve countrywide development goals;
 - a.3 To adopt measures to promote RWSA welfare and;
 - a.4 To serve as a forum in order to promote the social, economic and political well being of the RWSAs.

Section 13. General Guidelines for Implementing Agencies.-

In the identification of sites for the construction of deep wells the following guidelines shall be observed:

- a) Must be jointly undertaken by Department of Public Works and Highways, City Environment and Natural Resources Office/Department of Environment and Natural Resources, General Santos City Water District, City Mayor's Office – Barangay Affairs Division, City Engineer's Office, Department of Health/City Health Office. With a minimum of 5m x 5m area for a water system project prior to project budget allocation;

- b) A Clearance from City Environment and Natural Resources Office/Department of Environment and Natural Resources – Environmental Clearance; City Mayor’s Office – Barangay Affairs Division – Locational Clearance; and City Health Office – Sanitary Permit for Occupancy, shall be secured first before any construction of the water project;
- c) For projects in privately-owned land, a Deed of Donation in favor of the city government must be perfected (with technical description of the lot) before the implementation of the project.
- d) A Barangay Council Resolution supporting the project shall be served first before the construction.
- e) Major improvement, repair and expansion or addition funding for water system is subject for evaluation and recommendation by the composite team (Department of Public Works and Highways, City Engineer’s Office, City Mayor’s Office-Barangay Affairs Division and General Santos City Water District).
- f) Construction of water system in areas that will be directly served by General Santos City Water District is prohibited.
- g) A new water system project can be constructed in areas that will not be directly served by the General Santos City Water District Water System and shall be outside a 500-meter radius from any existing deepwell.

Section 14. Technical Assistance to Organized RWSAs.- The City Government shall continue to provide technical assistance to the community even after the completion and turnover of the water facility to the organized RWSA, to compose the following agencies of the government:

- a) Office of the City Mayor – Barangay Affairs Division
- b) City Social Welfare and Development Office
- c) City Health Office
- d) City Engineer’s Office
- e) City Environment and Natural Resources Office
- f) City Economic Management and Cooperative Development Office
- g) Department of Public Works and Highways

General Santos City Water District shall conduct training and capability building in order to pursue the goal of establishing a self-reliant, self-sustaining community.

The training and Technical assistance maybe in the form of:

1. Training (pre-membership & leadership training) thru the Rural Waterworks and Sanitation Training and Education Committee
2. Water sampling
3. Monitoring and evaluation

Section 15. Technical Assistance to Non-Organized RWSAs.-

The Technical assistance for the organization/sustenance of RWSAs shall be in the following order of priority;

- 1st Communities that are recipients of approved water supply projects for immediate implementation.
- 2nd Communities that are in need of water supply projects.
- 3rd Communities with existing and functional water system without an association and has not undergone any training.
- 4th Existing waterworks associations which had not undergone pre-membership and leadership training:

Section 16. Separability Clause. - If, for any reason or reasons, any part or provision of this ordinance shall be held to be unconstitutional or invalid, other parts or provisions hereof which are not affected thereby shall continue to be in full force and effect.

Section 17. Repealing Clause.- Any ordinance, resolution or any order or part/parts thereof which are inconsistent with the provision of this ordinance are hereby amended, repealed or modified accordingly.

Section 18. Effectivity. - This Ordinance shall take effect immediately fifteen (15) days after its complete publication in any newspaper of general circulation within the city.

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