

SEVENTEENTH SANGGUNIANG PANLUNGSOD)
112TH REGULAR SESSION)

SANGGUNIANG PANLUNGSOD
GENERAL SANTOS CITY

COMMITTEE REPORT NO. 17-385

Submitted by the **COMMITTEE ON PUBLIC UTILITIES.**

Dates of Hearing: August 15, 2014 & October 20, 2014

Re: **SPPO NO. 2013-0944**

RECOMMENDING APPROVAL FOR ITEM NO. (FOR FURTHER DISCUSSION)

Principal Sponsors: Councilor Dominador S. Lagare III, Councilor Rosalita T. Nuñez Ph.D, Councilor Atty. Ramon R. Melliza and Councilor Shandee Theresa O. Llido-Pestaño

MADAM PRESIDENT:

The Committee on Public Utilities to which was referred with this ordinance:

TITLE	RECOMMENDATION
SPPO NO. 2013-0944: AN ORDINANCE PRESCRIBING THE GUIDELINES IN THE OPERATION OF RURAL WATERWORKS AND SANITATION ASSOCIATIONS (RWSAs) IN GENERAL SANTOS CITY.	APPROVED AS AMENDED, SUBJECT TO STYLE - HEARING DECLARED '<u>ON RECESS</u>'.

has considered the same and has the honor to report it back to the August Body with the foregoing recommendation.

Respectfully submitted:

DOMINADOR S. LAGARE III
Councilor/ Presiding Officer



MINUTES OF THE HEARING OF THE COMMITTEE ON PUBLIC UTILITIES OF THE 17TH SANGGUNIANG PANLUNGSOD, CITY OF GENERAL SANTOS.

October 20, 2014, Monday
Sangguniang Panlungsod Session Hall
2/F Legislative Building City Hall Drive, General Santos City
2:47 P.M. to 4:30 P.M.

CITY COUNCILORS PRESENT: City Councilor Dominador S. Lagare III (Chairperson); City Councilor Rosalita T. Nuñez, MNSA, PhD. (Vice-Chairperson) and City Councilor Shandee Theresa O. Llido-Pestaño

GUESTS/RESOURCE PERSONS: Please refer to the attached attendance sheet

AGENDUM:

SPPO NO. 2013-0944: ORDINANCE PRESCRIBING THE GUIDELINES IN THE OPERATION OF RURAL WATERWORKS AND SANITATION ASSOCIATIONS (RWSAs) IN GENERAL SANTOS CITY.

The hearing started with a prayer led by Ms. Agbayani. Thereafter, the chair acknowledged everyone.

As a backgrounder, City Councilor Lagare informed that this ordinance is authored by City Councilor Nuñez and sponsored by him. As recalled, this was already the 6th hearing concerning this matter and in fact, this has already been calendared for second reading in the plenary but it was referred back to the committee level because there were queries on the provision of financial policies in the management of the RWSA. The committee then recommended to the members of the Technical Working Group (TWG) to study further the proposed ordinance.

To resume the discussion, the chair remembered that their previous discussion was on the Financial Policies. However, City Councilor Nuñez suggested to review the entire ordinance from the beginning since this may be the final hearing. City Councilor Lagare justified that this is the 6th committee hearing it would be better if the discussion will be confined on the ticklish issues instead to which Councilor Nuñez agreed.

Meanwhile, City Councilor Nuñez invited the attention of the body on the Articles of Incorporation which she believed to be the root cause of so many problems due to the money involved as well as the term of office of the RWSA officials. She opined that requiring RWSAs of a uniform Articles of Incorporation would really help the LGU in resolving disputes arising among RWSAs so that appropriate disciplinary action may be imposed if there are violations. Councilor Lagare opined that Section 5, has already been referred to the City Legal Office and it has rendered its opinion that the committee cannot impose the standardized by-laws considering that everyone has their own right to organize into association. Hence, the government can only imposed rules on the extraction and monitoring of water supply but cannot mandate the respective RWSAs to adopt uniform provisions on by-laws. . Nevertheless, the Technical Working Group may formulate policies and regulations in the operation of the RWSAs thru the Executive Department.

City Councillor Nuñez has in mind that the ordinance can be more effective if it is promulgated or legislated because certainly there will be violations and definitely there will be fines and disciplinary actions to be imposed in which City Councilor Lagare agreed.

At this instance, City Councilor Lagare asked permission as he was the OIC City Mayor and was now being called for another meeting. He then relinquished the chair to his Vice-Chairperson, City Councilor Nuñez to take over being also the author of the said measure.

NOTE: CITY COUNCILOR ROSALITA T. NUÑEZ, VICE CHAIRPERSON- PRESIDING

To continue with the discussion, City Councilor Nuñez solicited the opinion from the body whether to discuss Section 11 or to start from the first page whereby the body decided to review from the start. However, Engr. Gellangarin of the GSC Water District was apprehensive since only few members of the TWG were present. Since this is a long overdue measure, the chair then ruled to continue with discussion.

Barangay Captain Alvin Veneracion of Dadiangas South wanted to be clarified because presumably RWSAs are applicable among rural barangays only and what about the urban barangays. The chair said that urban barangays do not have RWSAs because it is being service by the LWUA through the GSC Water District.

On Section 5, the chair maintained her view that there should be a uniform pro-porma of the Articles of Incorporation. Punong Barangay Parreñas of Barangay Mabuhay and Barangay Kagawad Salaño of Barangay Tinagacan were of the same view saying that they were also having the same dilemma concerning waterworks. They said, it is very difficult to settle disputes if there is no uniformity in the articles of incorporation for the RWSAs. Accordingly, the government cannot curtail the right of the people to organize associations however, it is within the regulatory power of the local government as stipulated in RA 7160.

Ms. Teresa N. Garay of CENRO agreed to come up with the formulation of uniform guidelines in settling disputes because allowing different Constitution and By-laws (CBL) for each association would create confusion. Accordingly, even the SEC has its own uniform Articles of Incorporation but the corporation may later on amend the provisions on the type of membership, shares of stocks and voting rules. Hence, the RWSAs can be patterned thereafter.

Mr. Joaquin Tiongco, Division Chief of CEMCDO inquired as to when association shall secure the proposed uniform Articles of Incorporation before going into organizing or such uniform articles of incorporation must be imposed only upon registration with the city government. The chair believed uniform articles of Incorporation must be required before the RWSA will be organized. Conversely for the existing associations, they can amend their Articles of Incorporation to pattern the mandatory provisions after proposed uniform articles of incorporation.

The key participants agreed to come up with uniform format for the RWSA's Articles of Incorporation and the same will be prepared by the TWG. Such that, the chair then suggested to the TWG to take a look at the Articles of Incorporation of the existing associations.

Section 11. Financial Policies

On letter c the last sentence be amended as ***The financial report shall be submitted to the CMO- BAD, Barangay Council where the RWSA is located, and City Sangguniang Panlungsod, subject to style*** so as to make it mandatory.

On letter f, ***the honorarium of the qualified officers which will be determined equitably according to the type of RWSA shall be included, subject to style.***

On letter g, ***Any official or members discovered by audit to have misspent any funds of the association shall refund the association immediately and automatically be terminated, subject to style.***

Section 13.

City Councilor Nuñez stated that the requirement for the construction of RWSA deep well would be the availability of a public land of not less than 5X5 meters area. (subject to style)

Another provision, in cases where the government/public deep well is located in a private property, government shall expropriate the area at least 5X5 meters where the deep well is constructed using the power of eminent domain. That would be under letter a.

Under Section 13a, the lead department of the RWSA should be a permanent department to be supported by the relevant national government and local government agencies.

Section 13b. Additional provision- the following are the requirements for the construction of the RWSAs Water Project:

1. Water permit from the National Water Resource Board (NWRB)
2. Environment Compliance Certificate (ECC)-DENR
3. Locational Clearance - City Planning Office
4. Sanitary Permit-CHO

Section 13c is deleted.

As to the concern raised by Punong Barangay Parreñas of Barangay Mabuhay which department shall handle the RWSA, City Councilor Nuñez retorted that there is no problem whoever will handle it as long as there is a guideline to follow.

Under Section 14b. The City Social Welfare and Development Office will be deleted.

Further, Mr. Arn Gellangarin suggested to include the septage requirement.

City Councilor Nuñez suggested to Mr. Tiongco to coordinate with Mr. Bueno for the minutes of the hearing.

There being no more matter to discuss, the chair declared the hearing recess at 4:30 in the afternoon.

HEARING-ON RECESS

Prepared by:

INOCENCIA J. TUMBAGA
Stenographic Reporter III

JERLYN F. LONDRES-MALUPA
Stenographic Reporter III

Edited by:

Noted by:

SERAPION L. BUENO, JR.
Board Secretary II

LOLITA P. PEDRO
Division Chief, Journal & Minutes

Attested:

DOMINADOR S. LAGARE III
City Councilor & Chairperson

ROSALITA T. NUÑEZ, MNSA
City Councilor & Vice Chairperson



**MINUTES OF THE HEARING OF THE COMMITTEE ON PUBLIC UTILITIES OF THE 17TH
SANGGUNIANG PANLUNGSOD**

Friday, August 15, 2014
2:30 – 3:30 p.m.

Vice Mayor's Conference Room, 2/F Legislative Building
corner Roxas Street, General Santos City

MEMBERS/COUNCILORS PRESENT: CITY COUNCILOR DOMINADOR S. LAGARE III
(Chairperson) and CITY COUNCILOR RAMON R. MELLIZA (Member)

GUESTS/RESOURCE PERSONS: (SEE THE ATTACHED ATTENDANCE SHEET.)

AGENDUM

**SPPO NO. 2013-0944: AN ORDINANCE PRESCRIBING THE GUIDELINES IN
THE OPERATION OF RURAL WATERWORKS AND SANITATION ASSOCIATIONS
(RWSAS) IN GENERAL SANTOS CITY.**

Before the hearing started, City Councilor Dominador Lagare III who is the chairperson of the above-mentioned committee informed that City Councilors Ramon R. Melliza and Rosalita T. Nuñez will be joining the committee hearing. He likewise informed that this measure was deferred last session because there was a query regarding the accounting system of the RWSAs. He then deemed proper to create a Water Code of General Santos City instead of just a simple ordinance in order for them to put all the guidelines and ordinances into one codified handbook.

Last July 2014, there was accordingly a resolution passed requesting the City Mayor, Honorable Ronnel C. Rivera to create a Task Force to monitor the stability of the water supply and demand in General Santos City. With the creation of such Task Force, it is expected that the codification of which will be finished within two months. After which, the chair declared a recess to wait for the representatives of City Mayor's Office and RWSAs.

Upon resumption, the chair announced that the representatives from both City Mayor's Office and RWSAs could not come. So, he requested to furnish said offices of the minutes of this hearing as he considered the aforementioned offices very important in solving the problem.

After which, the members of the Technical Working Group were identified as follows:

- RWSA under the IBA and the Barangay Affairs Division;

- CSWDO;
- City Health Office;
- City Engineer's Office;
- City Environment and Natural Resources Office;
- CEMCDO;
- DPWH; and
- GSC Water District

To be tapped by the committee for this project are the following offices: Sangguniang Panlungsod, City Health, and City Engineer. As far as maintenance and water stability in General Santos City are concerned, a special meeting will be called two weeks from now for the formulation of the aforesaid Code.

Engr. Gellagarin, manager of the GSC Water District thereupon suggested that in order for the RWSA to determine if the ground water is still capable to dispose water, it must first get a permit from the National Water Resources Board (NWRB).

Ensuing further deliberations, the chair manifested that the committee will give a list of schedules to the concerned agencies for them to be able to send their respective representative during the conduct of inspection at the different RWSAs.

There being no more matter to discuss, the chair declared the hearing on recess at 3:30 o'clock in the afternoon.

HEARING- ON RECESS

Prepared by:

JULIET A. DELA TORRE
Stenographic Reporter III

Edited by:

Noted by:

CARMELITA A. GENOTA
Stenographic Reporter III

LOLITA P. PEDRO
*Board Secretary IV/Chief
Journal & Minutes Division*

Attested:

DOMINADOR S. LAGARE III
City Councilor/Chairperson