

RESOLUTION NO. 003-0607 (AS AMENDED)
October 22, 2008 – 71st Board Meeting
AMENDMENT TO POLICY GUIDELINES ON THE PROCESSING AND ISSUANCE
OF WATER PERMITS AND “CONDITIONAL WATER PERMITS”

WHEREAS, Art. 28 of the Water Code of the Philippines provides that water permit shall continue to be valid as long as water is beneficially used;

WHEREAS, the existing water permits issued by the Board contain several conditions for compliance by the permittee among which are the submission of required plans and specifications for the diversion works and other required structures, and filing of application of Certificate of Public Convenience (CPC) within one (1) year from the issuance of the permit;

WHEREAS, non-compliance of conditions set forth in the water permit is a ground for revocation of the permit;

WHEREAS, many grantees fail to comply with the said conditions within the prescribed period;

WHEREAS, the process of revoking water permits for violation of conditions entail a tedious process which may drag indefinitely;

WHEREAS, to address this problem, there is a need to develop policies for the issuance of “Conditional Permits” prior to the issuance of the water permit;

WHEREAS, the policy guidelines was developed in consultation with key stakeholders during a meeting held last June 14, 2007;

NOW, THEREFORE, BE IT RESOLVED, as it is hereby resolved, to adopt the following policy guidelines on the issuance of Conditional Permit:

1. Water Permits and Conditional Water Permits shall be processed in accordance with Sections 9 & 10 of the Amended Implementing Rules and Regulations (IRR) of the Water Code of the Philippines. For bulk water suppliers, in addition to the documentary requirements prescribed in Section 5 of the IRR of the Water Code, a Memorandum of Agreement/ Joint Venture Agreement between the private water supplier and the buyer with specific purpose on how the water will be used shall also be required prior to the processing of the application.
2. Upon compliance with Sections 9 & 10 and the review and evaluation of the water permit application, the Board Secretariat shall make a recommendation to grant the Conditional Water Permit for submission to the Board.
3. The Conditional Water Permit shall be issued for the use/development of a water source and remain valid for a period of one year (1) from the date of approval.
4. The Water Permit will be issued as soon as the conditions set forth under the Conditional Water Permit are complied with.

5. If after the lapse of the one year period applicant fails to show compliance with the conditions, the Water Permit will not be issued to the Applicant and closure of well and other similar diversion structures used for surface water source will follow. The Board may however, grant extension to the one year period for justifiable circumstances.

RESOLVED FURTHER that holders of the Conditional Permit for municipal use shall be advised to file a CPC application prior to the release of the water permit to ensure a CPC is secured.