

## **PRIVILEGE SPEECH**

15<sup>th</sup> Council Session  
February 19, 2008  
Davao City

### **PROTECTING DAVAO CITY'S WATER RESOURCES**

By Councilor Pilar C. Braga, PhD

Madam President, as a backgrounder to my Report as to my official trip to Manila last February 4, 5 & 6, 2008, allow me to read en toto the column of Mr. Rene Bartolo in today's issue of the Mindanao Times to wit:

February 19, 2008  
RICOCHET  
Rene Ezpeleta Bartolo

#### ***Remembering the spring***

*"When you drink the water, remember the spring."* – Chinese Proverb

Setting up the mechanism to protect the water resources of Davao City has been a long struggle.

The struggle began 10 years ago with the passage of an ordinance called the Water Code of Davao City in 1997, which Mayor Rodrigo Duterte vetoed in 1998.

The veto was not on moral principles. It was, as the mayor explained, because some provisions of the ordinance arrogated powers – the issuing of water permits and the granting of water rights – that belonged to a central agency of the national government.

Again, another ordinance was passed in 2001: the Water Resources Management and Protection Code of Davao City. It corrected the legal infirmities that rightfully caused the veto.

The Implementing Rules and Regulations (IRR) have yet to be approved by Mayor Duterte; the law itself has yet to be implemented.

If the struggle for the eventual implementation of the Water Code has lasted this long, it is because when we drink the water pumped out and sold by the Davao City Water District (DCWD), we remember the underground spring that is the city's main water resource.

The water belongs to the city and its people, and the Local Government Code gives the city government the first mandate to protect the resource.

The Davao City Water District has the exclusive right to draw and sell the water under an ancient proclamation issued by Ferdinand Marcos that created the body. But that proclamation does not oblige the water district to protect the spring from which it draws the water it sells.

They draw and sell. They do not protect.

The National Water Resources Board (NWRB) is mandated by another ancient proclamation, issued likewise by Ferdinand Marcos – The Water Code of the Philippines – to manage the water resources of the country, and the city, and regulate its extraction.

The NWRB makes money from the permits and water rights it issues for the extraction of water, but it takes no hand in protecting the resource. It should, under the law.

It is perhaps because the NWRB is too far away and too unconcerned to care.

But we should be concerned. Over the years, the underground water resources of Davao City have been subjected to threats that assail its quantity and quality.

For three decades, the Davao City Water District has made lucrative commerce of the city's water. For three decades, an absentee national government office, too far to care, has left our water resources at the mercy of industrial, commercial, and agricultural establishments. These have made money from our resource, and they act as if they own it.

The passage of the Water Code of Davao City was a strong statement that the city wants to protect its own water resources for its own people and for the future generations of Dabawenyos.

With the code, the Davao City government is sending a message that as it drinks the water everyday, it remembers the spring.

There has been resistance from the National Water Resources Board and the Davao City Water District against the implementation of the Water Code.

The resistance has been rooted on one thing – jealousy for the powers and prerogatives that they have enjoyed under the ancient proclamations that created them.

There seems to be a common feeling between the two agencies that implementing the Water Code would be a reduction of the powers that they now enjoy, including making money from the water resources of the city.

The city government has bent and bowed before the concerted resistance.

It has agreed to enter into a tripartite Memorandum of Agreement with the NWRB and the DCWD, just so it can be allowed to help these agencies protect the city's water resources.

Allowed? Why should anybody allow the city to protect its own resources?

The draft of the MOA is now with the NWRB. Tomorrow, February 20, the NWRB board will deliberate on whether they would ALLOW us to protect our water resources.

The whole idea is crazy. A faraway government agency allowing us to protect our own?

I have always admired the strength of Mayor Rody Duterte's will to pursue public welfare. The Water Code of Davao City could have been implemented long, long ago, had the mayor so desired, so decided.

The truth is, with a willful word, Duterte can cause the implementation of the city's water code.

He can transcend the pettiness of politics and say: "I will protect the water resources of the city, with or without the NWRB and the DCWD."

He can be strong, as we in Davao have always known him to be.

We have never known a soft leadership for our city and our people. God forbid!

Not a leadership soft as water.

*renebartoloREB* 😊

And to show the political will of Mayor Rodrigo R. Duterte and Acting Mayor/Vice Mayor Sara Z. Duterte, in letters dated November 29, 2007 and January 21, 2008, wrote NWRB that a Davao delegation will go to Manila to meet with NWRB officials in order to force the issues for Davao City to protect its own waters based on the Ordinance No. 117-01 or the Water Resources Management and Protection Code of Davao City. And so, again Madam President allow me to read our REPORT to Mayor Rodrigo R. Duterte and also as my way of reporting to this Body the result of my official trip to Manila. My report:

February 18, 2007

The Honorable  
**RODRIGO R. DUTERTE**  
 City Mayor  
 Davao City

Through: **Atty. WENDEL E. AVISADO**, City Administrator

Dear Mayor Duterte:

Following is a report on the conference between the official delegation from the Davao City Government and the Davao City Water District with the National Water Resources Board (NWRB) on February 04, 2008 at the NWRB office in Quezon City.

The delegation from Davao City was composed of:  
**PILAR C. BRAGA**, City Councilor;  
**ATTY. J. MELCHOR V. QUITAIN**, City Legal Officer;  
**ATTY. JOSEPH DOMINIC FELIZARTA**, City Legal Office;  
**CELMINDA C. AGARRADO**, Davao City Council;  
**STEPHANIE P. FELIZCO**, Office of the City Administrator;  
**LIA JASMIN ESQUILLO**, IDIS;  
**RENE EZPELETA BARTOLO**, The Mindanao Times.

The Davao City Water District (DCWD) was represented by:  
**ENGR. RODORA GAMBOA**, General Manager; and  
**ATTY. BERNARD DELIMA JR.**, Legal Officer.

The National Water Resources Board was represented by the following:  
**ATTY. NATHANIEL C. SANTOS**, Deputy Executive Director;  
**ISIDRA D. PENARANDA**, NWRB;  
**HIGINO C. MANGOSING**, NWRB;  
**SUSAN P. ABANO**, NWRB;  
**MA. CRISTINA B. ARRELLANO**, NWRB.

The travel to Manila was made by the joint team of the City Government and Davao City Water District in compliance with the letter of Mayor Rodrigo R. Duterte to the NWRB dated November 29, 2007.

The purpose of the conference was threefold:

1. To impress upon the National Water Resources Board the urgency of implementing the Water Resources Management and Protection Code of Davao City in the light of the growing threat against the quantity and quality of the city's water resources;
2. To appraise the NWRB with the particulars of the proposed tripartite Memorandum of Agreement among the NWRB, the Davao City Government, and the Davao City Water District ;
3. To identify and thresh out possible areas of disagreement and conflict in connection with the proposed Memorandum of Agreement.

The Davao delegation underscored before the NWRB officials the desire and determination of the Davao City Government to protect its water resources through the immediate implementation of the city's Water Resources Management and Protection Code.

Likewise, the Davao delegation pointed out that through the Memorandum of Agreement the city government and DCWD could assist the NWRB in implementing the provisions of the Water Code of the Philippines, as its deputies.

The NWRB pointed out certain items in the Water Code of Davao City that needed revision, like the definition of "domestic purpose", the inclusion of surface water in the scope of protection, and the clarification of the city's "protected areas."

It was agreed by all parties that, since amending the ordinance would be a lengthy process, corrections or revisions will be integrated in the Memorandum of Agreement and/or the Implementing Rules and Regulations (IRR).

On the matter of deputizing the Davao City Government, NWRB deputy executive director Nathaniel Santos promised to give the city a copy of the new guidelines for deputization as soon as these are finalized in the conference with the Philippine Association of Water Districts (PAWAD) to be held in Cagayan de Oro City that very week.

Director Santos also assured that the NWRB board would be going over the proposal of the joint delegation from Davao regarding the Memorandum of Agreement and the deputization during the board meeting on February 20, 2008.

We have accomplished our "mission" to NWRB and it is with great hope that we await more good news from NWRB.

Thank you, Mayor, for your kind support. At your service...

Very truly yours,

**PILAR C. BRAGA**  
City Councilor

Thank you, Madam President.

**PILAR C. BRAGA, PhD**  
City Councilor