

# WATER RIGHTS IN THE PHILIPPINES

## THE WATER CODE OF THE PHILIPPINES

**Presidential Decree No. 1067**, otherwise known as the Water Code of the Philippines was enacted in 1976. It establishes the basic principles and framework relating to the appropriation, control and conservation of water resources to achieve the optimum development and rational utilization of these resources. It also provides the policy framework for competing uses of water with the following provisions:

**ARTICLE 22.** Between two or more appropriators of water from the same source of supply, priority in time of appropriation shall give the better right, except in times of emergency, the use of water for domestic and municipal purposes shall have a better right over all other uses; Provided, That where water shortage is recurrent and the appropriator for municipal use has a lower priority in time of appropriation, then, it shall be his duty to find an alternative source of supply in accordance with conditions prescribed by the Council.

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**ARTICLE 23.** Priorities may be altered on grounds of greater beneficial use, multi purpose use, and other similar grounds after due notice and hearing, subject to **payment of compensation** in proper places.

**ARTICLE 24.** A water right shall be exercised in such a manner that the rights of third persons or other appropriators are not prejudiced thereby.

**ARTICLE 26.** Where water shortage is recurrent, the use of water pursuant to a permit may, in the interest of equitable distribution of benefits among legal appropriators, be reduced after due notice and hearing.

**ARTICLE 27.** Water users shall bear the diminution of any water supply due to natural causes of force majeure.

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**ARTICLE 30.** All water permits are subject to modification or cancellation by the Council, after due notice and hearing, in favor of a project of greater beneficial use for multi purpose development, and a water permittee who suffers thereby shall be duly compensated by the entity or person in whose favor the cancellation was made.

Water may be appropriated for the following descending purposes and uses.

- a. Domestic
- b. Municipal
- c. Irrigation
- d. Power generation
- e. Fisheries
- f. Livestock raising
- g. Industrial
- h. Recreational
- i. Other purposes

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The National Water Resources Board (NWRB) or the Council, is the lead government agency in the Philippine water sector. It is responsible for the administration and enforcement of the Water Code and has policy-making, regulatory, and quasi judicial functions.

### **PROBLEM ON WATER ALLOCATIONS – A CLASSIC CASE OF COMPETING WATER USES BETWEEN IRRIGATION AND MUNICIPAL USE**

**NIAs CLAIM**

**MWSS CONTENTION**

**WATER RIGHTS ALLOCATION**

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### WATER RIGHTS ALLOCATION

Irrigation (NIA)	36 cms
Domestic Water (MWSS)	46 cms (including 15 cms from NIA)
Power (NPC)	67 cms
Environmental (DOT)	2 cms