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Province of Cavite
CITY OF BACOR

Office of the Sangguniang Panlungsod



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04/05/2024

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HON. MICHAEL E. SOLIS
City Councilor

HON. ADRIELITO G. GAWARAN
City Councilor

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City Councilor

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City Councilor / President Pro-Tempore

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City Councilor

HON. RANDY C. FRANCISCO
Liga ng mga Barangay Vice President

SICK LEAVE
HON. PALM ANGEL S. BUNCIO
SK Federation President

Attested by:

MS. CRISTINA R. MALAWIG
Supervising Admin. Officer

Certified by:
HON. ROWENA BAUTISTA-MENDIOLA
City Vice Mayor

Approved by:
HON. STRIKE B. REVILLA
City Mayor

CITY ORDINANCE NO. 369-2024

Series of 2024

AN ORDINANCE REGULATING THE USE OF GROUNDWATER THROUGH THE USE OF DEEP WELLS IN BACOR CITY, PROVIDING PENALTIES FOR VIOLATIONS THEREOF AND FOR OTHER PURPOSES.

Sponsored by:
Hon. Levy M. Tela

Co-Sponsored by:
Hon. Roberto L. Advincula, Hon. Simplicio G. Dominguez, Hon. Catherine S. Evaristo, Hon. Reynaldo M. Fabian, Hon. Randy C. Francisco, Hon. Adrielito G. Gawaran, Hon. Alejandro F. Gutierrez, Hon. Alde Joselito F. Pagulayan, Hon. Reynaldo D. Palabrica, Hon. Rogelio M. Nolasco and Hon. Michael E. Solis.

WHEREAS, water is a limited resource, and being a basic need of man, must be conserved and used efficiently to sustain sufficient supply for the future;

WHEREAS, equally as important as sufficient supply is the fitness of water for human consumption and use and its suitability to water fixtures and facilities in homes and business establishments;

WHEREAS, indiscriminate drilling and excavation of wells, and unregulated use and excessive extraction of groundwater therefrom not only dry up scarce water sources but also destroy the environment, resulting in contamination by toxic or hazardous materials, seepage, and chemical residues;

WHEREAS, there is a compelling need to enact local legislation that would complement, support, and enhance national laws on the rationalization and regulation of the use, conservation, development, and protection of scarce water resources;

WHEREAS, the Bacoor City Council, under Section 458 (5) (vii) and (viii) in relation to Section 458 (1) (vi) of RA No. 7160, also known as the Local Government Code of 1991, has the duty and power to protect the purity and quantity of water supply of the city, regulate the consumption, use or wastage of water, the use of pumps, and the drilling and excavation of the ground for the laying of water pipes and other structures, and to protect the environment.



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Supervising Admin. Officer

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City Vice Mayor

Approved by:

HON. STRIKE B. REVILLA
City Mayor

NOW, THEREFORE, be it **ORDAINED** by the 5th Sangguniang Panlungsod of the City of Bacoor, Province of Cavite that:

ARTICLE 1 GENERAL PROVISIONS

SECTION 1. TITLE. - This Ordinance shall be known as the "**Deep Well Ordinance of Bacoor City.**"

SECTION 2. OBJECTIVE. - This ordinance aims to regulate and prohibit the installation and operation of deep wells within the city limits to protect public health, safety, and welfare and prevent potential adverse impacts on the local water supply.

SECTION 3. SCOPE AND DURATION. - This Ordinance applies to all types of proposed or existing construction projects involving the drilling and/or excavation of wells, whether residential, commercial, industrial, recreational, or otherwise, within the territorial jurisdiction of Bacoor City.

SECTION 4. DEFINITION OF TERMS. — As used in this Ordinance, the following terms and phrases shall be understood and defined as follows:

- Back-Up Source** - refers to a well-intended supply of water to fill the water supply deficiency of the MWSS, its concessionaires, or other water utility companies, also referred to as a secondary source;
- Building Official** - is the official responsible for administering, implementing, and enforcing the National Building Code (NBC) and its Implementing Rules and Regulations (IRR) and the orders and decisions made by the competent authority pursuant thereto.;
- Concessionaire** - refers to the Manila Water Company, Maynilad Water Services, Prime Water Infrastructure Corp and other water utility companies;
- Domestic Use/ Purpose** - is using water for drinking, washing, bathing, cooking, or other household needs, and for watering home gardens or lawns or for bathing or cleaning domestic animals or pets.



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5. **Deep Well** - A borehole or excavation that extends below the natural ground surface, regardless of depth, is typically used to extract groundwater.
6. **Groundwater** - water within the earth contained by an impermeable layer that supplies wells and springs.
7. **Primary Source** - refers to a well-established and operated area where surface water is not provided by the MWSS, its concessionaires, or other water utility companies as the principal source of potable water supply.
8. **Potable Water** - means water intended for human consumption or use in food preparation.
9. **Sanitary/Plumbing (Drilling/Excavation) Permit** - a written authorization granted by the Building Official to an applicant, permitting him to drill or excavate a well.
10. **Subsidence** - falling, lowering, or flattening out of the land elevation.
11. **Surface Water** - refers to the potable water supplied by Metropolitan Waterworks and Sewerage System (MWSS) through its concessionaires or other water utility companies.
12. **Water Permit** - a permit granted by the National Water Resources Board (NWRB) to an applicant to extract water under certain conditions.

Words and phrases embodied in this Ordinance that are not specifically defined herein shall have the same definitions found in R.A. No. 7160, also known as the Local Government Code of 1991.

ARTICLE 2 CONDITIONS ON DRILLING I EXCAVATION OF DEEP WELLS

SECTION 5. Wells for Primary or Secondary or Back-up Use. — Establishing and operating a well as the primary water source shall be permitted only in areas where the MWSS, its



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concessionaires, or other water utility companies do not provide surface water.

In areas where surface water is made available by the MWSS, its concessionaires, or other water utility companies but not on a 24-hour/daily basis, the establishment and operation of the well may be permitted, provided it will be used only as a secondary or backup water source. Provided, further, that the use of water from said well shall not exceed the cubic meters per month authorized under the Water Permit and in the Implementing Rules and Regulations of this Ordinance. This system shall be known as the "use for backup only" rule.

Wells as primary sources of water shall be permitted only until the MWSS, its concessionaires, or other water utility companies provide surface water on a 24-hour/ daily basis.

The use of wells as secondary or backup water sources shall be permitted only at certain periods of the day or night when there is no supply of surface water. Continuous use shall be allowed until such time that surface water becomes available.

ARTICLE 3 REGULATED ACTS

SECTION 6. REGULATION ON BUILDING A DEEP WELL. —

Proposed and existing deep-well operators located within the territorial jurisdiction of Bacoor City engaged in extracting ground waters from their natural source primarily for commercial, industrial, recreational, and municipal use shall be subject to the regulation of this Ordinance.

6a. The utilization, exploitation, development, conservation, and protection of water resources shall be subject to the control and regulation of the government through the National Water Resources Board (NWRB). Therefore, all technical matters shall comply with the provisions of Presidential Decree No. 1067, "A Decree Instituting a Water Code, thereby revising and Consolidating the Laws Governing the Ownership, Appropriation, Utilization, Exploitation, Development, Conservation, and Protection of Water Resources."

6b. Water Permit and Certificate of Public Convenience (CPC) issued by the NWRB shall be secured by all commercial and residential deep-well operators.

6c. All deep well operators shall maintain water control and measuring devices and keep records of water



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withdrawal for monitoring purposes pursuant to Article 21 of P.D. 1067, the Water Code of the Philippines

6d. Deep-well construction shall comply with the proper spacing requirements between wells except for wells less than thirty (30) meters deep as provided for in Section 43 of P.D. 1067, the Water Code of the Philippines, shall be in accordance with the table below:

| Rate of Withdrawal in Liters per second/s | Minimum Distance Between Wells in Meters (m) |
|---|--|
| 2-10 | 200 |
| More than 10-20 | 400 |
| More than 20-40 | 600 |
| More than 40 | 1000 |

SECTION 7. REGULATION ON DRILLING/ EXCAVATION. -

No person, entity, or organization shall install, construct, or operate a deep well within the city limits without obtaining written approval from the Office of the Building Official and the necessary Water Permit from the National Water Resources Board.

SECTION 8. REGULATION ON EXISTING DEEP WELL. — All existing deep wells within the city limits must be registered with the Office of the Building Official within one (1) year from the effective date of this Ordinance. If profit is derived from the operations of the well, the same must be registered as a business and pay the necessary permits, fees, and taxes.

ARTICLE 4

MANDATORY REQUIREMENTS PRIOR TO THE ISSUANCE OF BUILDING AND BUSINESS PERMITS

SECTION 9. ADDITIONAL REQUIREMENTS FOR APPLICATIONS FOR SANITARY / PLUMBING (DRILLING/ EXCAVATION) PERMITS.

- All applications for Sanitary/Plumbing (Drilling/Excavation) Permits shall include the following:
 - A detailed plan of the water supply system of the building;
 - If water supply will be sourced from a groundwater well, photocopies of the Water Permit duly issued by the National Water Resources Board (NWRB) and the Conformity of the Metropolitan Waterworks and



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Sewerage System (MWSS) and /or its concessionaires;

- c. If the water supply is sourced from a groundwater well, the details, specifications, and site development plan of the well to be constructed (e.g., distance/space from the nearest well, depth, casing, diameter, materials used, volumes of water extracted in a day, TCT, Tax Declaration, Tax Receipt, Barangay Clearance).
2. In case the applicant is a lessee, a photocopy of the duly notarized Contract of Lease.
3. If the applicant is a corporation, photocopies of the Certificate of Registration of the Articles of Incorporation and the Articles of Incorporation, both duly certified by its Corporate Secretary, are required.
4. The originals of all required photocopies shall be exhibited to the Building Official or his authorized representative to determine if the photocopies submitted are faithful reproductions thereof.
5. If water from the well will be used, the original Result of the Potability Test conducted by the City Health Department. When warranted, a water filter, purification system, and chlorinator shall be required and installed to ensure that the water meets the National Standards for Drinking Water.
6. Well/water plans, specifications, and other details must be contained in appropriate forms and duly signed by a registered Sanitary Engineer.

SECTION 10. ADDITIONAL REQUIREMENTS FOR APPLICATION OF NEW/RENEWAL OF BUSINESS PERMITS.

All applications for new business permits or for renewal of business permits shall include a sworn statement containing the following:

1. A statement identifying the source of the water supply of the applicant.
2. If the applicant owns or operates a well in his establishment, a statement that said well is covered by a Water Permit from the NWRB, with the conformity of MWSS and/or its concessionaire, and a Sanitary/ Plumbing Permit from the Office of the



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Building Official; certified copies of said Water Permit and Sanitary/Plumbing Permit shall be attached to the sworn statement,

3. A statement that the applicant has and will continue to comply with all the requirements of said Water Permit.
4. If the applicant is a lessee, a sworn certification from the lessor/owner of the building where his establishment is located containing the statements mentioned in paragraphs 2 and 3 above is required.

If no Water Permit and a Sanitary/Plumbing Permit are presented as mentioned in Paragraph 2, the applicant shall be advised to secure a Water Permit from the NWRB and a Sanitary/Plumbing Permit for the well from the Office of the Building Official,

SECTION 11. ACTION ON THE APPLICATION. The requirements under Section 2 hereof are mandatory, and the officials authorized to act on the applications may refer the documents submitted by the applicants to the NWRB and the MWSS or its concessionaires or other water utility companies for verification, validation, or authentication. If, upon evaluation, the application and the required documents are found in order and comply with the legal and technical requirements, the application shall be approved; otherwise, the same shall be denied.

SECTION 12. VALIDITY OF SANITARY / PLUMBING (DRILLING/EXCAVATION) PERMIT. — The issuance of a Sanitary/Plumbing (Drilling/Excavation) Permit shall not be interpreted or construed as a license to violate any provision of the National Building Code, the Water Code, the Sanitation Code, the Plumbing Code, or any applicable law or ordinance.

A Sanitary/Plumbing (Drilling/Excavation) Permit issued under this Ordinance shall expire and cease to have any legal effect if the drilling/excavation work authorized thereby is not commenced within a period of one (1) year from the date of issuance of said permit, or if the drilling/excavation is abandoned at any time after it has been commenced, for a period of four (4) months.

SECTION 13. SUSPENSION/ REVOCATION OF SANITARY/PLUMBING (DRILLING/ EXCAVATION) PERMIT. — The Building Official may suspend or revoke a permit issued under this Ordinance if it is found, after notice and hearing, that the plans and specifications are erroneous or defective, the data



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supplied by the applicant is false or inaccurate, or the requirements were not complied with.

**ARTICLE 5
ENFORCEMENT AND PENALTIES**

SECTION 14. PENALTIES

1. Owners and/or operators of wells without NWRB and Sanitary/ Plumbing (Drilling/ Excavation) Permits shall be penalized as follows:
 - a. For illegal well construction: PhP 5,000.00 or imprisonment of three (3) months or both, at the discretion of the court. The owner/operator shall file a complete application for the necessary permit within thirty (30) days from the time he/she receives a written notice of violation. Failure to do so within the given period shall be sufficient ground for the City's forced closure of the well.
 - b. For illegal use/operation of well: PIP 5,000.00 or imprisonment of three (3) months or both, at the discretion of the court. The owner/operator shall file a complete application for the necessary permit within thirty (30) days from the time he/she receives a written notice of violation. Failure to do so within the given period shall be sufficient ground for the City's forced closure of the well.
2. Owners and/or operators of wells with the necessary NWRB and Sanitary/Plumbing Permits found violating the "for back-up use only" rule or using/operating a well as a primary source when surface water is available or found guilty of excessive use as hereunder defined shall be fined PhP 5,000.00. For the second or subsequent violation, the owner/operator shall be fined PhP 3,000.00 or imprisoned for three (3) months, or both, at the discretion of the Court. The second violation shall result in the City's forced closure of the well.
3. Should the owner or operator/user of a well that was closed pursuant to the provisions above open and use or operate the said well without the appropriate permits or



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authorization from the Building Official, he/it shall be penalized for the first offense, with a fine of PhP 5,000.00 and imprisonment of six (6) months, and for the second or subsequent offenses, a fine of PhP 5,000.00 and imprisonment of one (1) year.

4. For violation of any other provisions hereof, a fine of PHP 3,000.00 for the first offense and PHP 5,000.00 for subsequent offenses,
5. If the owner or operator/user of the well is a corporation or partnership, the President/Chief Executive Officer and the Chief Operating Officer (COO) thereof shall be charged and, if warranted, penalized under the foregoing applicable provisions.

SECTION 15. ASSISTANCE FROM THE MWSS, ITS CONCESSIONAIRES, OR OTHER WATER UTILITY COMPANIES. —

The city may request the assistance of and/or deputize the MWSS and/or its concessionaires or other water utility companies to conduct investigation, collection, closures, and other activities to effectively implement this Ordinance.

**ARTICLE 6
FINAL PROVISIONS**

Section 16. IMPLEMENTING RULES AND REGULATIONS.

The Office of the City Legal Service shall submit the draft implementing rules and regulations of this Ordinance to the City Mayor for his approval no later than sixty (60) days after its effective implementation.

SECTION 17. BUDGET APPROPRIATION. The City Government of Bacoor shall appropriate in its annual budget or any supplemental budget that may be approved thereafter the amount necessary to implement the provisions of this Ordinance.

SECTION 18. SEPARABILITY CLAUSE. - If, for any reason, any provision or part of this Ordinance is declared invalid or unconstitutional, other provisions are not affected thereby and shall remain in full force and effect.

SECTION 19. REPEALING CLAUSE. -All ordinances, rules, and regulations or parts thereof in conflict with this Ordinance are hereby repealed and/or modified accordingly, provided that the rights vested upon this Ordinance's effectivity shall not be impaired.



Republic of the Philippines
Province of Cavite
CITY OF BACOR

Office of the Sangguniang Panlungsod



Seal of
Good
Local
Governance
2023 Awardee
7 years of excellence

CGBCR-SPBac-F001.04
04/05/2024

DISTRICT I

ION. CATHERINE SARINO-EVARISTO
City Councilor

ION. MICHAEL E. SOLIS
City Councilor

ION. ADRIELITO G. GAWARAN
City Councilor

ION. VICTORIO L. GUERRERO, JR.
City Councilor

ION. ALEJANDRO F. GUTIERREZ
City Councilor

ION. LEVY M. TELA
City Councilor

DISTRICT II

ION. ROBERTO L. ADVINCULA
City Councilor

ION. REYNALDO D. PALABRICA
City Councilor / President Pro-Tempore

ION. REYNALDO M. FABIAN
City Councilor

ION. BOGELIO M. NOLASCO
City Councilor

ION. ALDE JOSELITO F. PAGULAYAN
City Councilor

ION. SIMPLICIO G. DOMINGUEZ
City Councilor

HON. RANDY C. FRANCISCO
Liga ng mga Barangay Vice President

SICK LEAVE
HON. PALM ANGEL S. BUNCIO
K Federation President

Attested by:

MS. CRISTINA R. MALAWIG
Supervising Admin. Officer

Certified by:

ION. ROWENA BAUTISTA-MENDIOLA
City Vice Mayor

Approved by:

ION. STRIKE B. REVILLA
City Mayor

SECTION 20. EFFECTIVITY CLAUSE. - This Ordinance shall take effect upon its approval and after publication in a newspaper of local circulation. In the absence of any newspaper of general circulation, the gist of the ordinance shall be posted after ten (10) days on a bulletin board at the entrance of the city hall, and in at least two (2) other conspicuous places in the local government unit concerned.

ENACTED this 22nd day of April 2024 by the Sangguniang Panlungsod of the City of Bacoor, Cavite.

I hereby certify that the foregoing Resolution and Ordinance were duly approved in accordance with law.

Certified by:

HON. ROWENA BAUTISTA-MENDIOLA
City Vice Mayor/Presiding Officer

Attested by:

MS. CRISTINA R. MALAWIG
Supervising Admin. Officer

Approved by:

HON. STRIKE B. REVILLA
City Mayor

Date of Approval: 16 MAY 2024