

IRR No. 2008-05

IMPLEMENTING RULES AND REGULATIONS IN
THE RATE RE-CLASSIFICATION OF SOME
GOVERNMENT INSTITUTIONS

Prefatory Statement

Pursuant to the recommendation of the MWSS Regulatory Office (MWSS RO) in its Resolution No. 07-018-CA dated 08 November 2007, as approved by the MWSS Board of Trustees (MWSS BOT) under Resolution No. 2007-257 dated 22 November 2007, the following Implementing Rules and Regulations are hereby adopted and promulgated:

RULE I

General Provisions

SECTION 1. Title.—This Rule shall be known and cited as the “**Implementing**

Rules and Regulations (IRR) in the Rate Re-Classification of Some government Institutions”

SEC. 2. Policy.—It is the policy of the MWSS to assist certain government institutions performing public service/ functions. Towards this end, MWSS BOT/ RO passed the said resolutions for the downgrading by the Concessionaires, Manila Water Company, Inc., (MWC) and Maynilad Water Services, Inc., (MWSI), of the rate classification from Business Group 1 (Commercial) to Semi-Business (Residential B) of certain public elementary, secondary, and tertiary schools; public hospitals and jails.

SEC. 3. Coverage.—This IRR shall cover the following:

- a. Public Schools;
 - i. Preparatory, elementary and secondary schools; and
 - ii. Tertiary schools managed and operated by Local government Units (LGUs).
- b. Public Hospitals managed and operated by LGUs; and
- c. Jails except detention centers within police station and/or military camps.

SEC. 4. Definitions.—All defined terms and phrases in the CA related herewith are deemed incorporated in this IRR, in addition to the following:

- a. **Public pre-schools** shall mean any public preparatory school which include, but not limited to, Barangay Day Care Centers;
- b. **Public elementary and Secondary Schools** shall mean all public elementary and secondary schools;
- c. **Public Tertiary Schools** shall mean any college, university, trade or vocational school that is funded and run by the LGU and not directly receiving funds or subsidy from the National Government;

- d. **Public Hospital** shall mean any barangay health center or hospital operated/run by the LGU and not directly receiving any funds or subsidy from the National Government;
- e. **Jails** shall refer to any municipal/city jail, national penitentiary, including correctional facilities;
- f. **Detention Centers** shall mean temporary holding areas in police stations, military camps and other similar places; and
- g. **Stand-alone water service connection** shall mean water service connection serving the particular/specific institution.

RULE II

Requirements for Rate Re-Classification

SECTION 1. Public Schools.—The following shall be the requirements for the rate re-classification of public schools:

- a. A Certification from the Department of Education (DepEd), Commission on Higher Education (CHED), the Department of Science and Technology (DOST), Technical Education and Skills Development Authority (TESDA), or any other office, as proof that the school is a duly accredited public schools;
- b. Public schools sharing or drawing water from another existing water service connection shall be required to apply for a new water service connection at their own expense and shall submit proof of payment of all unpaid accounts;
- c. Water service connection of public pre-schools, elementary, secondary and tertiary schools should be registered under the name of the respective public schools and used exclusively for their purpose; and
- d. A separate connection shall be required for all entities/individuals engaging in business inside the school premises. Cost for the new connection shall be borne by the respective entity/individual.

SEC. 2. Public Hospitals.—The following shall be the requirements for the rate re-classification of public hospitals:

- a. A certification from the Department of Health (DOH) and the Office of the Mayor, or any other office that the hospital is a duly accredited public hospital and that the same is funded exclusively by the LGU concerned;
- b. Public hospitals sharing or drawing water from another existing water service connection shall be required to apply for a new water service connection at their own expense and shall submit proof of payment of all unpaid accounts;
- c. Water service connection of public health centers and LGU-run hospitals should be registered under the name of the respective institution and used exclusively for their purposes; and
- d. A separate connection shall be required for all entities/individuals engaging in business inside the hospital premises. Cost for the new service connection shall be borne by the respective entity/individual.

SEC. 3. Jails.—The following shall be the requirements for the rate-re-classification of jails:

- a. Jails sharing or drawing water from another existing water service connection shall be required to apply for a new water service connection at their own expense and shall submit proof of payment of all unpaid accounts; and
- b. A separate connection shall be required for all entities/individuals engaging in business inside the jail premises. Cost for the new service connection shall be borne by the respective entity/individual.

RULE III

Procedure/Guidelines for Rate Re-classification

SECTION 1. Procedure/Guidelines.—The following procedure/guidelines shall be observed for the rate re-classification of certain government institutions mentioned herein.

- a. A letter request for rate re-classification from the concerned government institution should be filed at the respective Business Areas accompanied by the documentary requirements set forth in Rule II above.
- b. Within ten (10) days from date of receipt of letter request, the Concessionaires will conduct an investigation to verify status and actual usage of the water service connection;
- c. Upon completion of requirements, the Concessionaires shall approve the request for rate re-classification; and
- d. The effectivity date of the rate re-classification shall be the next billing period immediately after the approval date.

Sec. 2. Implementation.—In the event that any problem/issue arises in the implementation of this IRR, the following measures and procedures shall be followed:

- a. The Concessionaires shall decide on the appropriate action and resolution of disputes/issues, in accordance with applicable CA provision/s and the existing MWSS policies. In case of delay in the payment of the water bills, the provisions of RO Resolution No. 07-013-CA dated 8 November 2007 as approved by MWSS BOT Resolution No. 2007-253 dated 22 November 2007 and its IRR on Temporary Disconnection/Reconnection of Water Service Connection shall not apply. Best efforts shall be exerted to collect the same;
- b. Regulatory matter/issues shall be coordinated with and resolved by the MWSS RO and the MWSS BOT; and

- c. This IRR shall be liberally interpreted to assist the consumer or the public in obtaining a just, expeditious and inexpensive resolution and/or settlement of complaints. In case of doubt in the interpretation thereof, the same shall be resolved in favor of that interpretation which will give full force and effect to the policy set forth in Rule 1 Sec. 2 hereof.

RULE IV

Repealing/Effectivity Clause

SECTION 1. Amendment, Modification and/or Repeal.—The MWSS BOT has the power and authority to amend, modify and/or repeal any provision of this IRR through the following steps:

- a. The Technical Working Group (TWG), composed of representatives of the two (2) Concessionaires, the MWSS Corporate Office (MWSS CO) and the MWSS RO, shall initiate, study and propose amendments, modification or repeal of any provision that may no longer be relevant or applicable.
- b. After due consideration of the merits of the proposal, the MWSS RO shall recommend for approval by the MWSS BOT the amendments/modifications/repeal being sought.

Sec. 2. Effectivity.—Upon approval by the MWSS BOT, this Implementing Rules and Regulations shall take effect fifteen (15) days after its publication.

APPROVED, 31 March 2008.

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