

IRR No. 2013 - 01**2013 IMPLEMENTING RULES AND REGULATIONS (IRR) IN THE DISCONNECTION AND RECONNECTION OF WATER SERVICE CONNECTIONS****PREFATORY STATEMENT**

Pursuant to the recommendations of the MWSS Regulatory Office (MWSS-RO) in its **Resolution No. 13-003-A-CA** dated **7 August 2013**, as approved and confirmed by the MWSS Board of Trustees (MWSS-BOT) under **Board Resolution Nos. 2013-100-RO and 2013-101-RO both dated 12 September 2013**, the following Implementing Rules and Regulations (IRR) are hereby adopted and promulgated:

RULE I**GENERAL PROVISIONS**

SECTION 1. Title.—This IRR shall be known as *“2013 Implementing Rules and Regulations (IRR) in the Disconnection and Reconnection of Water Service Connections.”*

Sec. 2. Coverage.—This IRR shall be applicable to temporary disconnection and reconnection activities of the Concessionaires.

Sec. 3. Declaration of Policy.—The MWSS acknowledges that water is a basic human right, and that the right of the consumers to continuous supply of safe drinking water must be promoted, protected and fulfilled.

Sec. 4. Legal Basis.—Under Article 6.6 of the CA, a disconnection shall be effected only when the following conditions are present;

- (a) Charges billed to the customer remain unpaid for a period of sixty (60) days after their due date; and
- (b) The Concessionaire shall have provided the customer with not less than seven (7) days prior Written Notice of any such disconnection.

Sec. 5. Definitions.—All defined terms and phrases in the CA related herewith are

deemed incorporated in this Rule, in addition to the following:

- (a) **Due date** shall mean the indicated ‘due date’ in the monthly bill which shall not be less than seven (7) days after the tender of the receipt to the Customer of the Statement of Account (SOA);
- (b) **Delinquent accounts** shall mean those accounts which have remained unpaid for a period of sixty (60) days after due date, or after the lapse of the date of agreed upon by the parties and/ or the non-fulfillment of the conditions in the agreed settlement;
- (c) **Protested bills** shall mean the specific monthly bill or bills, subject of a written complaint by a Customer; and
- (d) **Erroneous Disconnection** shall mean specific disconnection of water services of non-delinquent accounts.

RULE II**RULES IN THE CONDUCT OF DISCONNECTION AND RECONNECTION**

Sec. 6. Delinquent Accounts.—In the implementation of temporary disconnection, the following conditions or rules must be observed:

- (a) The water/sewer bills must have remained outstanding/unpaid for a period of sixty (60) days after due date;
 - i. Payments made online and through authorized *payment centers* on the sixtieth (60th) day shall be considered sufficient compliance with the sixty (60) - day grace period; and
 - ii. In determining whether or not an account is delinquent, the Concessionaires should take into consideration posting delays

pursuant to their agreement on remittance period with their respective payment service providers.

- (b) A written notice of disconnection, separate and distinct from the monthly bill, shall have been served to the Customer at least seven (7) calendar days prior to the scheduled implementation of disconnection;
- (c) The seven (7)-day prior notice of disconnection shall not be deemed included within the sixty (60)-day period mentioned above;
- (d) Disconnection shall not proceed where the Customer presents proof of actual payment of all delinquent accounts to the Concessionaire's agent authorized to disconnect the water service; and
- (e) Actual disconnection shall not be implemented on Fridays, Saturdays, Sundays, Holidays (local and/or national) or the day immediately preceding local and/or national holidays, to give the customer sufficient time to settle his/her account during the regular working days.

SEC. 7. Partial Payments and Payments by Installment.—Each monthly bill constitutes a separate and independent obligation of the Customer. Partial payments and/or payments by installment shall be governed by the following rules:

- (a) The application of partial/ installment payments must be clear to the Customers;
- (b) Once partial/installment payment fully satisfies the obligation for a previous monthly bill, the sixty (60)-day grace period for the other outstanding account must be strictly observed;
- (c) For installment payments covered by a promissory note, the delinquency of the account shall be based on the period and conditions stipulated, but in

no case shall the said period be lesser than sixty (60) days from due date; and

- (d) The Concessionaires must correspondingly adjust their respective computerized billing systems to accommodate partial/installment payments.

SEC. 8. Protested Bill/s.—A Customer may file a written protest for specific monthly bill/s before the Concessionaires or the Regulatory Office.

- (a) The Customer may file a protest for the specific monthly bill within sixty (60) days from due date, unless the ground for the protest is not readily apparent or could not have been known to the Customer from the mere examination of the Statement of Account (SOA). In the latter case, the protest shall be filed within thirty (30) days from the time the ground for the protest has become known or has become apparent to the Customer;
- (b) The filing of the protest shall suspend the running of the sixty (60) day period for the payment of protested bill. The running of the sixty (60) day period shall commence again from the date of resolution of the protest, without prejudice to a more favorable arrangement that the Customer may negotiate with the Concessionaire;
- (c) During the pendency of the protest, the Customer shall settle the accounts for monthly bills not protested;
- (d) Water service may not be disconnected, so long as the account is not considered delinquent;
- (e) To avoid being delinquent for the duration of the protest, the Customer shall pay, in lieu of the amount of the protested bill/s, his average consumption for the past six (6) months; and

- (f) In the computation of the six-month average consumption, the protested bill/s and bills considered as outliers (unusually high or low) shall be excluded.

SEC. 9. *Erroneous Disconnection.*—When a non-delinquent account has been erroneously disconnected, the following procedures shall be observed:

- (a) Upon discovery of an erroneous disconnection, the Concessionaire shall immediately inform the Customer of his rights under this IRR and shall restore the service connection within twenty-four (24) hours;
- (b) No reconnection fee should be charged for Customers whose water services have been erroneously disconnected; and
- (c) When reconnection fee was paid, the same must be refunded in cash to the Customer within seventy-two (72) hours, notwithstanding any no-cash-out policy of the Concessionaires.

SEC. 10. *Voluntary Request for Temporary Disconnection by Registered Customers or Their Representatives.*—When a registered Customer or his/her authorized representative requests for a disconnection of his/her water service connection, the Concessionaires shall observe the following rules:

- (a) Request for temporary disconnection shall be in writing based on reasonable grounds, e.g., moving out or migrating to other area/country, taking a vacation for a period longer than one (1) month, and other analogous cases;
- (b) Disconnection shall be made on the day and date as indicated, or as mutually agreed upon, and only after the Concessionaire has notified in writing all affected customers/persons of the request for disconnection;
- (c) Request for voluntary disconnections shall be granted only after full settlement of any outstanding accounts; and

- (d) No fee for temporary disconnection shall be collected.

SEC. 11. *No Minimum Monthly Charge for Accounts Disconnected.*—No minimum monthly charges shall be collected from Customers whose account/s have been disconnected.

SEC. 12. *Reconnection of Temporarily Disconnected Water Service.*—Reconnection of a temporarily disconnected water service shall be subject to the following rules:

- (a) The Customer shall pay in full all outstanding charges and under-collection, except when the rule on protested bill applies;
- (b) Customers with 25 mm meter size or smaller shall pay a reconnection fee of Two Hundred Pesos (P200.00), subject to annual Consumer Price Index (CPI) adjustment and to Expanded Value Added Tax (EVAT). The reconnection fee shall be reviewed every Rate Rebasing process; and
- (c) The Concessionaire shall reconnect the water service within twenty-four (24) hours from presentation of proof of payment but in no case later than forty-eight (48) hours upon posting/receipt of payment.

SEC. 13. *Permanent Disconnection.*—The Concessionaires may permanently disconnect a water service connection, upon notice to the concerned Customer, after a lapse of six (6) months after the account's delinquency. The concerned Customer may make arrangement with the Concessionaires to prevent such permanent disconnection.

SEC. 14. *Tampered Meters and Illegal Connections.*—Disconnections and reconnections of water service due to tampering, bypass and other illegal connections shall be subject to the Implementing Rules and Regulations of Republic Act No. 8041 otherwise known as "The "National Water Crisis Act of 1995" and other applicable laws.

SEC. 15. *Documentary Requirements.*—The Concessionaires shall require from the covered Customers only such documents as

are reasonable and necessary so as not to defeat the intent and purposes of this IRR.

Sec. 16. Interpretation.—This IRR shall be liberally interpreted to assist the Customers, the MWSS and the Concessionaires in obtaining a just, expeditious and inexpensive resolution and/or settlement of complaints. Doubts pertaining to any of the provisions of this IRR shall be resolved in favor of that interpretation that will give full force and effect to the policies set forth in this IRR.

Sec. 17. Complementary Nature of Other Rules.—Other rules and regulations issued by Regulatory Office and approved/confirmed by the MWSS Board of Trustees on related subject matters shall be complementary to this IRR.

RULE III

REPORTING AND VERIFICATION OF COMPLIANCE

Sec. 18. Periodic Reports.—The Concessionaires shall include, in their respective submissions pursuant to Article 13 of the CA and in their KPIs and BEMs Reports, their compliance and progress reports on the implementation of this IRR.

Sec. 19. Monitoring and Verification of Reports.—The Regulatory Office shall undertake a periodic review of and, at anytime at its discretion, conduct field verification to validate the reports submitted by the Concessionaires.

Sec. 20. Public Information.—The Regulatory Office and the Concessionaires shall ensure the widest dissemination of this IRR and shall conduct activities for its effective implementation. In addition, the Regulatory Office shall make available to the public all official reports with respect to the implementation of this IRR.

Sec. 21. Participation of the Public.—The Regulatory Office may solicit or engage the help of the Customers, other government agencies, water consumer groups, non-government organizations, civil society organizations, academic groups, and other

interested parties in the conduct of its field verification and validation activities.

RULE IV

NON-COMPLIANCE

Sec. 22. Non-compliance.—Non-compliance with any of the provisions of this IRR shall entitle the affected Customer to appropriate remedies under the law, without prejudice to the administrative remedies herein provided.

Sec. 23. Administrative Remedies.—The affected Customers may seek redress to the Regulatory Office against the Concessionaires for willful non-compliance with this IRR. The Regulatory Office may impose appropriate sanctions upon the erring Concessionaire, such as restitution to affected Customers or disallowance of identifiable expenditures related to the non-compliance.

RULE V

AMENDMENTS/ EFFECTIVITY

Sec. 24. Repealing Clause.—IRR No. 2008-01 or the "Implementing Rules and Regulations in the Temporary Disconnection/ Reconnection of Water Service Connection" is hereby repealed. All other rules and regulations inconsistent with the provisions of this IRR are hereby amended or repealed accordingly.

Sec. 25. Separability Clause.—If any part or provision of this IRR is held invalid or unconstitutional, the other provisions not affected thereby shall remain in force and effect.

Sec. 26. Amendment, Modification and/ or Repeal.—Upon its own initiative or upon the recommendation of the Regulatory Office, the MWSS-BOT may suspend the implementation, modify or repeal any provision of this IRR.

Sec. 27. Effectivity.—This IRR shall take effect fifteen (15) days after its publication in the *Official Gazette* or in two (2) newspapers of general circulation, or the effectivity of the "R" whichever comes later.