

**IRR No. 2013 - 05****IMPLEMENTING RULES AND REGULATIONS ON THE TREATMENT AND RATE RECLASSIFICATION OF DOMESTIC CUSTOMERS INSIDE MILITARY AND POLICE INSTALLATIONS****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 the *“Implementing Rules and Regulations on the Treatment and Rate Reclassification of Domestic Customers Inside Military and Police Installations.”*

**Sec. 2. Coverage.**—This IRR shall apply to all Customers within the Concession who are residing inside military and police installations and/or camps and who use spaces for domestic purposes as herein defined.

**Sec. 3. Declaration of Policies.**—The MWSS hereby adopts the following policies:

- (a) In all their dealings with their Customers relating to the performance of their service obligations pursuant to their respective Concession Agreements (CA), the Concessionaires must faithfully comply with all existing laws, rules and regulations as well as those that may hereinafter be promulgated by competent authorities;
- (b) The review of the Rate Classifications of Customers within the Concession shall be conducted every five (5) years, coinciding with each Rate Rebasement process;

- (c) In determining the appropriate Rate Classification of Customers, the following factors shall be considered:
  - (i) the primary use of the premises;
  - (ii) the reasonableness of the Rate Reclassification; and
  - (iii) the justness, affordability and equity of the corresponding tariff adjustments as a result of the Rate Reclassification;
- (d) As provided in the CA, the Concessionaires shall advise their affected Customers that they may opt to apply for a separate connection for each type of activity when technically feasible; and
- (e) The ultimate objective of this IRR is to provide individual standard connection to all Residential households inside the military and police installations/camps. Any other arrangements, such as sub-bulk metering from the mother meter for the entire military installation/camp, shall be considered temporary and transitional.

**Sec. 4. Definition of Terms.**—For the purposes of this IRR:

- (a) Military or police installations/camps shall mean a secured premises devoted to national defense and/or security under the control or supervision of the Armed Forces of the Philippines (AFP) or the Philippine National Police (PNP). They shall include military and/or police training schools/camps, housing units, barracks and/or dormitories of officers, enlisted personnel and employees of the uniformed services.
- (b) All defined terms and phrases in the CA as well as in other related IRRs are deemed incorporated herein, unless their contexts otherwise provide.

**RULE II****RATE CLASSIFICATION OF IDENTIFIED DOMESTIC HOUSEHOLDS INSIDE THE MILITARY OR POLICE INSTALLATIONS**

**Sec. 5. Rate Classification of Identified Domestic Households Inside the Military and**

*Police Installations/Camps.*—The following shall govern the Rate Classification of domestic households inside the military or police installations/camps:

- (a) All spaces within the military and police installations devoted to domestic use by AFP/PNP officers, enlisted personnel, and their civilian employees and their families, including individual housing units, communal barracks, mess halls, and/or dormitories are covered and shall be classified as Residential;
- (b) Households with some other activity shall be classified as of mixed-use and the appropriate Rules shall govern; and
- (c) Where appropriate, the *2013 Revised IRR in the Billing Scheme and Rate Classification for High-Rise and Other Multiple Dwellings* shall apply.

**SEC. 6. Individualization of Service Connection.**—As far as practicable and when technically feasible, Residential households inside the military and police installations/camps shall be provided individual water service connections.

**SEC. 7. Transitional Arrangements.**—Pending the separation and laying out of the reticulation lines for the Residential Customers inside the military installation/camp, transitional arrangements such as bulk sub-metering may be implemented. However, any transitional agreement involving water or sewerage services entered into by the Concessionaires involving military installations/camps are subject to approval of the MWSS-BOT upon the recommendation of the Regulatory Office.

**SEC. 8. Procedure/Guidelines.**—The following procedure/guidelines shall be observed:

- (a) The Concessionaires shall notify the concerned Customers in writing that they are qualified to apply for the benefits of this IRR;

- (b) A letter request from the concerned Customer should be filed at the respective Business Areas accompanied by documentary requirements as are reasonable and necessary, taking into account considerations of national security;
- (c) Within ten (10) days from date of receipt of letter request, the Concessionaire shall conduct an investigation to verify status and actual usage of the water service connection;
- (d) Upon completion of requirements, the Concessionaire shall approve the request; and
- (e) The effectivity date of the rate re-classification shall be the next billing period immediately after the approval date.

**SEC. 9. 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 Section, 3 Rule I of this IRR.

**SEC. 10. 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. 11. 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. 12. 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. 13. 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. 14. 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. 15. 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. 16. 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 remedies 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. 17. Repealing Clause.**—All other rules and regulations inconsistent with the provisions of this IRR are hereby amended or repealed accordingly.

**SEC. 18. 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. 19. 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. 20. 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.