

[REPUBLIC ACT NO. 3931, June 18, 1964]

**AN ACT CREATING THE NATIONAL WATER AND AIR POLLUTION
CONTROL COMMISSION**

Re it enacted by the Senate and House of Representative of the Philippines in Congress assembled:

SECTION 1. *Statement of Policy.*—It is hereby declared a national policy to maintain reasonable standards of purity for the waters and air of this country with their utilization for domestic, agricultural, industrial and other legitimate purposes.

SEC. 2. *Definitions.*—As used in this Act:

(a) "Pollution" means such alteration of the physical, chemical and/or biological properties of any water and/or atmospheric air of the Philippines, or any such discharge of any liquid, gaseous or solid substance into any of the waters and/or atmospheric air of the country as will or is likely to create or render such waters and/or atmospheric air harmful or detrimental or injurious to public health, safety or welfare, or to domestic, commercial, industrial, agricultural, recreational or other legitimate uses, or to livestock, wild animals, birds, fish or other aquatic life.

(b) "Sewage" means the water-carried human or animal wastes from residences, buildings, industrial establishments, or other places, together with such water infiltration and surface water as may be present. The admixture of sewage as above defined and industrial wastes or other wastes as hereafter defined, shall be considered "sewage".

(c) "Industrial waste" means any liquid, gaseous or solid matter, or other waste substance or a combination thereof resulting from any process of industry, manufacturing trade or business or from the development, processing or recovery of any natural resources.

(d) "Other waste" means garbage, refuse, wood residues, sand, lime, cinders, ashes, offal, night-oil, tar, dye stuffs, acids, chemicals, and other substances not sewage or industrial waste which may cause or tend to cause pollution, or contribute to the pollution of the waters and/or atmospheric air of the Philippines.

(e) "Sewage system or sewerage system" means pipelines or conduits, pumping stations, force mains, conducted drainage ditches, and all other

construction, devices, and appurtenances used for collecting or conducting sewage, and industrial waste or other wastes to a point of ultimate disposal or discharge.

(f) "Treatment works" means any methods, construction, device or appliances appurtenant thereto, installed for the purpose of treating neutralizing, stabilizing, disinfecting, or disposing of sewage, industrial waste or other wastes, or for the recovery of by-product from such sewage, industrial waste or other wastes.

(g) "Sewage works" means individually or collectively those constructions or devices used for collecting, pumping, treating, and disposing of sewage, industrial waste or other wastes, or for the recovery of by-products from such sewage, industrial waste or other wastes.

(h) "Outlet" means the terminus of a sewage works or point of emergence into the waters and/or atmospheric air of the Philippines of any sewage, industrial waste or other wastes.

(i) "Waters of the Philippines" means all accumulations of water, surface and underground water, natural or artificial, public or private or parts thereof, which are within the Philippines or within its jurisdiction.

(j) "Atmospheric air of the Philippines" means the air within the Philippines or within its jurisdiction.

(k) "Person" or "Persons" means any individual public or private corporation, political subdivision, government agency, municipality, public or private institution, industry, copartnership, association, firms, trust, or any other entity whatsoever.

(l) "Stream standard" or "stream standards" means such measure of purity or quality for any waters in the Philippines in relation to their reasonable and necessary use.

(m) "Commission" means the National Water and Air Pollution Control Commission.

SEC. 3. *Creation of the National Water and Air Pollution Control Commission; members; compensation; advisory council.*—There is hereby created and established in the Office of the President of the Philippines, the National Water and Air Pollution Control Commission, with permanent office in the City of Manila. The Commission shall be composed of the Chairman of the National Science Development Board, as chairman, and, as members, four part-time commissioners, one of whom shall be an officer of the Department of Health who shall be designated by the Secretary of Health; another shall be an officer of the Department of Agriculture and Natural Resources, who shall be designated by the Secretary of Agriculture and Natural Resources; and the remaining two shall be representatives of the private sector who shall be appointed by the President of the Philippines with the consent of the Commission on Appointments, one upon recommendation of the

Philippine Council of Science and Technology, and the other upon the recommendation of the Chamber of Industries of the Philippines; and two full-time commissioners who shall likewise be appointed by the President of the Philippines, with the consent of the Commission on Appointments. One of the fulltime commissioners shall be a sanitary engineer; and the other a lawyer. Both shall be at least thirty-five years of age and shall each have had at least ten years experience in the practice of his profession.

The two part-time commissioners representing the private sector and the two full-time commissioners shall serve for four years and until their successors shall have been appointed and qualified. They may not be removed except for cause. Upon the death, resignation or removal of any of them, the President shall appoint a qualified person to fill the vacancy for his unexpired term.

The chairman and members of the Commission, except the full-time commissioners, shall receive no compensation for their services, but they shall receive *per diems* of fifty pesos each per meeting plus the necessary traveling expenses incurred in the discharged of their duties as members of the Commission. The two full-time members shall each receive a yearly compensation of eighteen thousand pesos. They shall also receive traveling expenses incurred in the discharge of their duties as commissioners.

SEC. 4. Organization of the Commission: its officers; operation with other agencies; acceptance of donations.—The President of the Philippines shall organize the Commission within thirty days after the approval of this Act The Technical Secretary of the Commission shall be appointed by the Commission, He shall be a sanitary engineer with at least five years experience in the technical and administrative fields of engineering. He shall be the active administrator of all water and air pollution control activities of the Commission. The Technical Secretary shall, during the interim between meetings of the Commission, handle such correspondence, make or arrange for such inspections and investigations, and obtain, assemble or prepare such reports and data as the Commission may direct or authorize. His compensation shall be determined by the Commission.

The Commission shall provide such technical scientific or other services, including the necessary laboratory and other facilities as may be required for the purpose of carrying out the provisions of this Act. The basic personnel necessary to carry out the provisions of this Act shall be engineers, chemists, biochemists, physicists, and other technicians: *Provided*, That the Commission may, by agreement, secure such services as it may deem necessary from other agencies of the National Government, and may make arrangements for the compensation of such services. The Commission may also employ and compensate, within appropriations available therefor, such consultants, experts, advisors, or assistants on a full or part-time basis as may be necessary, coming from government or private business entities, associations, or from local or foreign organizations, to carry out the provisions of this Act and may prescribe their powers, duties, and responsibilities.

The Commission may conduct scientific experiments, investigations and research to discover economical and practical methods of preventing water and air pollutions. To this end, the Commission may corporate with any public or private agency in the conduct of such experiments, investigations and research and may accept, and receipt for sums of money for and in behalf of the National Government, given by

any international, national or other public or private agency for water and air pollution control, activities, surveys or programmes: *Provided*, That sums of money shall be used only for the purpose for which they are contributed and any balance remaining after the conclusion of experiments, investigations and research shall be returned to the contributors. The Commission is authorized to promulgate such rules and regulations or enter into contracts as it may deem necessary for carrying out the provisions of this Act.

SEC. 5. *Meeting of the Commission, quorum*,—The Commission shall meet as often as necessary to carry into effect the provisions of this Act and at times and places to be designated by the Chairman of the Commission, and shall keep a complete record of the meetings which shall be kept on file in the office of the Technical Secretary, and shall determine the rules of its own proceedings. Meetings may be called by the chairman upon his own initiative or upon the written request of two or more members of the Commission. Written notice of the time and place of such meetings shall be delivered to the office of each member of the Commission and the Technical Secretary. Four members of the Commission shall constitute a *quorum* to transact the business of the Commission: *Provided, however*, That the concurrence of the majority of all the members of the Commission shall be necessary to exercise the powers and duties enumerated in Section six of this Act and to render any order, judgment or decision in the proceedings referred to in section seven and eight hereof.

SEC. 6. *Powers and duties*.—

(a) The commission is hereby authorized to:

1. Determine if pollution exists in any of the waters and/or atmospheric air of the Philippines. Findings of the Commission regarding the existence of pollution shall be filed on record in the office of the Commission.
2. Adopt, prescribe, and promulgate rules and regulations governing the procedures of the Commission with respect to hearings; the methods and manner under which plans, specifications, designs, or other data relative thereto shall be submitted for sewage works and industrial wastes disposal systems or for addition or change to or extensions of such work; the filing of reports; the issuance of permits and such other reasonable rules and regulations as may be necessary from time to time in the proper implementation and enforcement of this Act.
3. Hold public hearings, receive pertinent and relevant proofs from any party in interest who appear before the Commission, make findings of facts and determinations, all with respect to the violations of this Act or orders issued by the Commission.
4. Make, alter or modify orders requiring the discontinuance of pollution of the waters and/or atmospheric air of the Philippines due to the discharge of sewage, industrial wastes or other wastes and specifying the conditions and the time within which such discontinuance must be accomplished.
5. Institute or cause to be instituted in a court of competent jurisdiction