

[Act No. 3982, December 03, 1932]

AN ACT TO AMEND ACT NUMBERED TWENTY-ONE HUNDRED AND FIFTY-TWO ENTITLED "AN ACT TO PROVIDE A SYSTEM FOR THE APPROPRIATION PUBLIC WATERS, AND FOR THE DETERMINING OF EXISTING RIGHTS THERETO; FOR THE PUBLIC REGISTRATION OF ALL WATER RIGHTS; STATION AND USE OF WATER POWER; FOR INVESTIGATIONS FOR AND THE CONSTRUCTION, MAINTENANCE, AND OPERATION OF IRRIGATION SYSTEMS BY PRIVATE PERSONS; PHILIPPINE ISLANDS; FOR THE REPAYMENT OF MONEY EXPENDED THEREFOR; FOR THE CONSTRUCTION, MAINTENANCE, AND OPERATION OF IRRIGATION SYSTEMS BY PRIVATE PERSONS, FOR THE INSPECTION AND REGULATION OF ALL WORKS PERTAINING TO THE USE OF WATER; AND PROVIDING PENALTIES FOR ITS VIOLATION, AND FOR THE PURPOSES", AS AMENDED BY ACTS NUMBERED TWENTY-SIX HUNDRED AND FIFTY-TWO AND THIRTY-TWO HUNDRED AND EIGHT, THIRTY-THREE HUNDRED AND ONE, AND THIRTY-FIVE HUNDRED AND TWENTY-THREE, AND FOR OTHER PURPOSES.

Be it enacted by the Senate and House of Representatives of the Philippines in Legislature assembled and by the authority of the same:

SECTION 1. Section two of Act Numbered Twenty-one hundred and fifty-two, as amended by section one of Act Numbered Thirty-two hundred and eight and section one of Act Numbered Thirty-five hundred and twenty-three, is hereby further amended to read as follows:

"SEC. 2. The power to grant appropriations of public waters is hereby vested in the Secretary of Commerce and Communications, in accordance with the provisions of this law, upon the recommendation of the Irrigation Council herein created.

"There is hereby created an Irrigation Council which shall consist of live members who shall be appointed by the Governor-General with the advice and consent of the Senate and shall receive a per diem of fifteen pesos for each session of the Council which they actually attend: *Provided, however,* That officers already receiving a salary or per diem from the Government shall serve without additional remuneration.

"The Chief Water Rights Inspector of the Bureau of Public Works shall be *ex officio* secretary of the Irrigation Council without additional compensation.

"The Director of Public Works shall have direction and supervision of the investigation for, and construction of, irrigation systems by the Government of the Philippine Islands and shall perform such duties as are prescribed herein.

"The Chief Irrigation Engineer shall, in addition to the duties and

responsibilities stated in his appointment be charged with those of the Superintendent of Irrigation as provided in Act Numbered Eighteen hundred and fifty-four.

"The Secretary of Commerce and Communications, when not incompatible with public convenience and upon favorable recommendation of the Director of Public Works, may declare any stream or any water courses of public domain in the Philippine Islands as not important for navigation or any public use, and authorize, under such conditions as he may think best to safeguard public and private interests, the establishment, alteration, closing, filling or changing of the channels of any such public streams and water courses so declared, and may likewise enter into amicable settlement with private claimants, of all disputes as to whether certain bodies of water are of public domain or of private ownership: *Provided*, That when a public stream or any water course is declared by the Secretary of Commerce and Communications to be not important for navigation or any public use, the Director of Public Works, with the approval of said Secretary, may lease said public stream or water course or a portion thereof, subject to the limitations provided in Chapter six of Act Numbered Twenty-eight hundred and seventy-four, as amended, or exchange said public stream and water course with artificial canals or any other water course of private ownership which he may deem more convenient and more advantageous for navigation or any public use: *Provided, furthermore*, That when a nonnavigable or floatable public stream is filled up and it becomes more valuable for agricultural purposes, and as soon as it is so declared by the Secretary of Commerce and Communications, and upon his recommendation, the Secretary of Agriculture and Natural Resources may lease or sell said filled up public stream or a portion thereof, pursuant to the provisions of Act Numbered Twenty-eight hundred and seventy-four, as amended."

SEC. 2. A new section is hereby inserted between section forty-two and section forty-three of Act Numbered Twenty-one hundred and fifty-two, as amended, which shall be known as section forty-two (A) and shall read as follows:

"SEC, 42 (A). In all cases where ditches are owned by two or more persons, and one or more such persons shall fail, refuse or neglect to do a proportionate share of the work necessary for the proper maintenance and operation of such ditch or ditches, or to construct suitable canal structures required for the proper operation of the system, or headgates, or other devices as required by the Director of Public Works pursuant to section forty-two hereof, the owner or owners desiring the performance of such work may, after giving ten days written notice to such other owner or owners who have failed to perform or refuse or neglect to pay such proportionate share of the work necessary for the proper operation and maintenance of said ditch or ditches or canal structures or headgates or other devices, perform such shares of the work, and recover from such person or persons in default the actual proportionate cost of such work.

"Upon the failure of any coowner to pay his proportionate share of such expense as mentioned in the statement of the same as performed by his coowner or owners, such person or persons performing such labor or