
PROVIDING SUSTAINABLE WATER SUPPLY IN THE MUNICIPALITY OF NEW BATAAN, DAVAO DE ORO: THE CHALLENGES OF WATER GOVERNANCE IN A LOCAL GOVERNMENT UNIT

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ABSTRACT

This paper examines the challenges of water governance in the Municipality of New Bataan Davao De Oro in providing sustainable water supply in the community. With its bountiful and rich water source coming from the watersheds of Mt. Tagubud, there is still water supply scarcity being experienced by the residents. It has showed that fragmented policies and decisions from the national and local level limits the local government unit to make innovations on water delivery services and has become a water governance issue. It also exhibits the conflicts of water use and that overlooks the need to the proper utilization and appropriation of waters. It also showed that investment of water related projects in the municipality is least of their top priority as they are focused mainly on economic growth. Thus, artificial scarcity is a result of improper water governance at many levels. With this, the LGU itself must come up with innovative ideas on how to utilize its natural water resources in accordance with the water laws, the Water Code of the Philippines and the other laws of land.

Keywords: Sustainable Water Supply, Water Governance, Fragmented decisions, Local Government Unit, Water Code of the Philippines

1. INTRODUCTION

One of the strongest typhoons that hit the Southern Part of Mindanao last December 2012 was Super Typhoon “Pablo” (international name Bopha). Extreme flooding may have been caused by heavy rainfall-induced river swells, human – caused landform change, unsafe mining activities, agriculture, and forest denudation (Magcale-Macandog, 2013). Typhoon “Pablo” caused damage to the water systems in all municipalities of Compostela Valley Province. Water source impounding reservoirs in the established spring sources, water distribution pipeline system, reservoirs, and chlorinators are some of the damaged water facilities (Hum. Response, 2013). Sixteen (16) Barangays were badly devastated, costing hundreds of lives and most of their needs; the water supply was shut down. The municipality has been known for its abundant spring water source coming from the watersheds of Mount Tagubud, which also connects and overflows through the Agusan River. The recovery and reconstruction process has been provided to increase the governments and communities’ ability to deal with Super Typhoon Pablo. One of these is a Disaster Proofing and Disaster Risk Reduction-Climate Change Adaptation (DDR-CCA) Mainstreaming Action Plan (2013-2016) of New Bataan Water Services Cooperative (NEBAWASCO), a Barangay Water Program- Rural Waterworks and Sanitation Association assisted by MLG-USAIDE and was handed to Local Government Unit (Manuta, 2014).

NEBAWASCO today faces many challenges in its mandate to supply water to its nearby barangays. The cooperative’s stated mission, “To become a self-sustaining water service provider with a well-defined system of operations and advocating environment-friendly development approaches for the improvement of people’s quality of life”, appears to have strayed from the reality of time. Moreover, the delayed implementation of “Sagana at Ligtas na Tubig sa Lahat” (DILG-SALINTUBIG) signifies a very low efficiency of implementation and deprives the constituents of the benefits that could have been derived therefrom (COA Report, 2017). Numerous clients frequently voiced complaints about poor water pressure and supply during peak hours of the day, and the water supply system is serving fewer due to the increasing demand. Although the municipality has received attention for its plentiful spring source while several inland resorts that use river water are rising, there is a shortage of safe water supply. The United Nations acknowledged that access to clean water and sanitary facilities is necessary for the fulfillment of all other human rights (U.N., 2010). Local government units (LGUs) of the decentralized Philippine government are generally in charge of providing water services, such as though artesian wells and water supply systems (Philippines, 1991).

National government has provided support to address the lack of infrastructure for water services, even though it is aware of the difficulties LGUs are facing in delivering water services and is demonstrated by the existence of families without and/or limited access to water. These initiatives are distinct from the National Wealth Shares and Internal Revenue Allotment (IRA) that are necessary. The department of Interior and Local Government’s (DILG) “Sagana at

Ligtas na Tubig Para sa Lahat” (Salintubig) Program and other performance-based and performance-and-equity based initiatives, such as Bottom-up Budgeting, provide help to municipalities (L.G. Velasco, et.al., 2020). Even though fewer communities went without water between 2010 and 2015, uncoordinated planning and implementation of programs and projects in the water sector continue to be a significant concern due to fragmented institutional structure ((DILG WSSPMO, 2016) & (NEDA, 2017)). Fragmentation of structures, policies, and programs on safe water, sanitation, and hygiene at the national and local levels only exacerbates these problems, resulting in uncoordinated and ambiguous policies for the sector (UNDP, 2021). Moreover, the “Philippine Water Supply and Sanitation Masterplan, 2019-2030” (PWSSMP) identified eight reform areas, that is: [1.] Establishing effective WSS sector institutions; [2.] Strengthening regulatory environment; [3.] Creating and Ensuring effective WSS Services; [4.] Balancing Water Supply and Demand; [5.] Building climate resiliency; [6.] Enabling access to funding and financing; [7.] Managing data and information: and [8.] Driving research and development (PWSSMP 2019-2030).

This examines how a Philippine local government unit delivers water as a basic service in the decentralized framework. The study also responds to the following queries: (1.) What are local governments used for, and what role do they play in local water supply? (2.) How do LGUs ensure that there is an adequate and effective water supply for both the present and future populations? (3.) Do local and national government organization’s roles mandates overlap in any ways? (4.) What are the implications of these for providing water services, and how they influence providing water services?

2. METHODOLOGY

This study was carried out utilizing an approach by online data collection as adaptation in conducting quantitative and qualitative research during the covid-19 pandemic (Torrentira, M., 2020). Key informant interviews have been conducted via online audio and/or video discussion from a IP/resident in the municipality, a regular employee of the local government unit of New Bataan, Davao de Oro, a member of Board of Directors of (New Bataan Water Services Cooperative) NEBAWASCO, and some of the co-engineers of the researcher at Davao City Water District to gather the necessary background information on the issues from the water governance sectors. Understanding the governing legal structure for water districts and how local water districts operate was done as part of the qualitative review.

3. RESULTS AND DISCUSSION

Local Water Governance

The Philippines has at least seven (7) legal frameworks governing the water sector (Rola, et al., 2015). These are: P.D. 1067 Water Code of 1976; P.D. 198 Provincial Water Utilities Act of 1973; P.D. 522 of 1974; Republic Act 7586 or the National Integrated Protected Area System Act of 1992; Republic Act 8041 or the National Water Crisis Act of 1995; Republic Act 8371 or the Indigenous Peoples Rights Act of 1997; and Republic Act 9275 or the Philippine Clean Water Act of 2004. The Water Code of the Philippines, which covers the entire water sector, is the fundamental law governing the ownership, appropriation, utilization, exploitation, development, conservation, and protection of water resources (NWRB, 1976). The seven laws address how water resources are treated legally, property rights, legalized inter-sectoral prioritization and the basis for prioritization, legal linkages between land and surface water and between land and forest and/or environment, inter-governmental responsibility for the water law, which means many agencies promote the law, combining the water law with other laws on land, forest, and environment, and for water planning and development (Hall, 2014). At least a dozen national water-related bodies are responsible for carrying out all these regulations, which results in a fragmented decisions to water planning, implementation, and compliance. For local water governance, the decisions, and actions of LGUs are still bound by mandates at the national level and have been a source of conflict between the two bodies (Rola, et al., 2015).

There may be situations when the laws mentioned above contradict. For instance, while the Indigenous People’s Rights Act safeguards the rights of indigenous people about resources found in their ancestral domain, the Water Code mandates that the state owns all the Nation’s water. In New Bataan, where majority of the tribes are Mandaya, they favor the traditional method of using natural, untreated and unsafe water from Mount Tagubud’s watersheds because they feel a sense of ownership to the natural resources they have experienced. As a result, there are limitations on how the LGU can improve, particularly in terms of building an innovative water distribution network and watershed protection. This is confirmed that conflicts over water rights between indigenous cultural communities and local government units acting on behalf of the state are a tangible example of the tension in water governance in the Philippines (Rola, 2011).

Conflicts on Water Use

The abundance and richness of the surface water source coming from the sheds of Mt. Tagubud had attested by the researcher. Additionally, local government officials are concentrating more on how they will build inland spring resorts to exhibit the beauty of their municipality. One of the first resorts being built close to Mt. Tagubud’s abutments is the

Bamboo Inland Spring Resort. It contains three spring resorts in total, all of which were severely damaged by typhoon Pablo in 2012, partially repaired in 2014, and fully operates until present.

The issue with this water use is that over the course of their operations, they never once obtained a water permit that would have served as a water rights mechanism for allocating water resources. The free water source of Mt. Tagubud is currently being used by a lot of private inland resorts and natural parks, which also goes up against the interests of some of the Mandaya tribe. The LGU was also aware that these inland spring resorts would bring income and promote the tourism industry, but the necessity to address inhabitants' access to safe clean water has been overlooked.

Infrastructure Prioritization

The vision of the Municipality is to be an economically improved and empowered community with healthy ecosystem managed in partnership by motivated public servants, climate change adaptive and disaster resilient community, supported by adequate infrastructure within the context of sustainable development. It was revealed that most of the huge amount of budget that has been granted from national and counterparts with other stakeholders is allocated mainly to road networks, flood control systems, building/school buildings, slaughterhouses, and other public structures. (COA, 2021).

4. CONCLUSION

A fundamental human right is access to water. Even though annual accessible resources significantly outnumber total withdrawals, many people, especially the poor, only have limited access to it. Artificial scarcity is a result of improper water governance at many levels. The contradictions between government policies that obstruct local government units' decision-making and activities have been identified to be the main obstacles to providing water supply at the local level. In the context of providing sustainable water supply in the Municipality of New Bataan, the LGU itself must come up with innovative ideas on how to utilize its natural water resources in accordance with the water laws, the Water Code of the Philippines and the other laws of land. With its bountiful water source, the LGU must appropriate, utilize, conserve and protect its natural waters to have a good water supply. Water councils and watershed authorities can be locally created by the LGU without the need for legislation.

As they play a significant part in ensuring a sustainable water supply in their community, the local government must also investigate participatory water governance models. Additionally, they must have the authority to oversee these natural resources within their circles of influence and be in a position to compel locals to follow best practices for water resource management.

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