



Republic of the Philippines

DEPARTMENT OF THE INTERIOR AND LOCAL GOVERNMENT
DILG-NAPOLCOM Center, EDSA corner Quezon Avenue, West Triangle, Quezon City
www.dilg.gov.ph



MEMORANDUM CIRCULAR
NO. 2019-03

TO : ALL PROVINCIAL GOVERNORS, CITY/MUNICIPAL MAYORS, DILG REGIONAL DIRECTORS AND OTHERS CONCERNED

SUBJECT : REITERATING DILG MC NO. 2016-146 ON THE OPERATIONAL AUTONOMY OF THE LOCAL WATER DISTRICTS

DATE : 10 JAN 2019

In the interest of realizing the full functions of the Local Water Districts, the following laws, rules and regulations as embodied in the Memorandum Circular 2016-146 on the Operational Autonomy of Local Water Districts are hereby reiterated for strict compliance by all local government units:

1. Water Districts once formed, are subject to provisions of Presidential Decree (PD) No. 198, as amended and not under the jurisdiction of any political subdivision (Section 6 of PD 198, DILG Memorandum Circular No. 88-15 dated 01 March 1988, DILG Memorandum Circular No. 97-78 dated April 15, 1997 and DILG Memorandum Circular No. 2005-21 dated March 4, 2005);
2. Water Districts are autonomous agencies independent of local governments. It should be best that they are allowed to operate the least hindrance and interference from the local officials but with a maximum support and assistance (Section 6, PD 198, DILG Memorandum Circular No. 88-15 dated 01 March 1988, DILG Memorandum Circular No. 97-78 dated April 14, 1997 and DILG Memorandum Circular No. 2005-21 dated March 4, 2005); and
3. While the Local Government Code provides for the legal basis relative to the devolution powers, functions and attributes granted by law to the Local Water Utilities Administration to local water districts, should they opt to exercise such powers, functions and attributes, there is nothing in the Code that indicates that it has repeated the pertinent provisions of Presidential Decree No. 198, as amended (Sections 530 and 534 of Local Government Code (RA 7160), DILG Memorandum Circular No. 97-78 dated April 14, 1997 and DILG Memorandum Circular No. 2005-21 dated March 4, 2005).

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Further, Water Districts have the autonomy to enter into Public-Private Partnerships or Joint Venture Agreements with private water utility companies as stipulated in Section 6 of Presidential Decree No. 198 (PD 198) which provides that Local Water Districts (LWDs), once formed, are not under the jurisdiction of any political subdivision. Moreover, LWDs are given by PD 198 the authority to enter into contracts.

Section 31. Contracts. - A district shall have the power to enter into contracts with any person for the purpose of performing any functions of the district: Provided, that the Board of Directors may not by contract delegate any of the discretionary powers vested in the board by this Title. xxx"

For strict compliance.


EDUARDO M. AÑO
Secretary 



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