

[**NWRB, March 25, 1991**]

THE RULES ON PLEADINGS, PRACTICE AND PROCEDURE BEFORE THE NATIONAL WATER RESOURCES BOARD

Pursuant to the provisions of Presidential Decree No. 1067, otherwise known as the Water Code of the Philippines, and Commonwealth Act 146, as amended, the National Water Resources Board hereby adopts and promulgates the following rules on pleadings, practice and procedures before it:

**Rules I
Title and Construction**

SECTION 1. These rules shall be known and cited as the Rules on Pleadings, Practice and Procedure before the National Water Resources Board.

SECTION 2. Applicability – These rules shall apply to all cases brought before the National Water Resources Board in the exercise of its powers and functions under P.D. 424; P.D. 1067; P.D. 1206;; Sec. 11 paragraph (e); Sec. 63 of P.D. 198; C.A. 146 as amended; RA 6234 as amended by P.D. 425 and other related laws.

SECTION 3. Construction – These rules shall be liberally construed to protect and promote public interest and to assist the parties in ascertaining the truth in the most expeditious, just and inexpensive manner without necessarily adhering to the technical rules on evidence and procedure in judicial proceedings.

SECTION 4. Definitions – For purposes of these rules, the terms:

- a. **Code** shall mean the Water Code of the Philippines;
- b. **Board** shall refer to the National Water Resources Board;
- c. **Act** shall refer to Commonwealth Act 146, as amended;
- d. **Chairman** shall refer to the Chairman of the National Water Resources Board;
- e. **En Banc** shall refer to the Board hearing or deciding cases by at least six(6) regular members;
- f. **Hearing Officer** shall refer to such Attorneys and/or special investigators duly designated by the Board.

**Rule II
Parties**

SECTION 1. Complainant/Protestant and Respondent/Protestee - The person initiating the action shall be referred to as Complainant/ Protestant and the party against whom the action is made shall be referred to as Respondent/Protestee.

**Rule III
Commencement of Action**

SECTION 1. When Action is Deemed Commenced - An action is deemed commenced upon the filing of a complaint/protest in accordance with these rules and upon payment of the docket/filing fee, unless the action is initiated by the Board *motu proprio*.

SECTION 2. Caption and Title - In all cases filed with the Board, the full name of all parties, as far as they are known, shall be stated in the caption, motion, resolution, order, or decision, and in all summons, notices and processes to be served upon them. However, in cases where the parties are numerous that it is impracticable to include their names herein the phrase "et al" shall be used to denominate such parties.

If the action is initiated by any person other than the Board, the caption shall be as follows:

**Republic of the Philippines
NATIONAL WATER RESOURCES BOARD
8th Floor, NIA Building. EDSA. Quezon City**

	NWRB-WRC/WUC CASE NO.
Complainant	
- versus -	FOR:
Respondent	
x - - - - - x	

In case the action is initiated by the Board the caption shall be as follows:

**Republic of the Philippines
NATIONAL WATER RESOURCES BOARD
8th Floor, NIA Building. EDSA, Quezon City**

National Water	NWRB-WRC/WUC CASE NO.
Resources Board	
- versus -	FOR:
	(State the nature of Complaint)
(Respondent)	
x - - - - - x	

The Complain/Protestant shall be assigned a docket number in the order of the date and time of filing thereof.

SECTION 3. Complaints - All complaints shall be in writing, sworn to by the Complainant/Protestant and must contain the following:

1. Name, postal address and personal circumstances of Complainant/Protestant.
2. Name and postal address of Respondent/ Protestee;

3. Substance of the Complaint;
4. Grounds or causes of action;
5. Brief and concise statement of the pertinent facts and circumstances;
6. Relief sought; and
7. Names and postal addresses of witnesses to be summoned, if any.

In cases of protest against Water Permit Applications filed solely on the ground of adverse effects on the privilege to use water from any source, the same may not be entertained unless the Protester is a water permittee.

SECTION 4. Place of Filing - Complaint/ Protest may be filed with the Board or the Office of the Public Works Regional Director or the Public Works District Engineer or NIA Provincial Irrigation Engineer, of the area where the source of water is subject of the controversy is located. Complaint/Protest on the use of water for hydraulic power development shall be filed with either the Board or the Office of the Public Works Regional Director.

However, complaint/protest involving the operation of water utilities/waterworks system shall be filed directly with the Board.

SECTION 5. Docket Fees, Docket Number and Calendar of Cases - There shall be imposed and collected a docket/filing fee of Two Hundred Pesos (P200.00) from every complainant/protestant except from "pauper litigants" as defined in the Rules of Court.

The said fee shall be paid at the office where complaint/protest is filed in cash or in postal money order in the name of the Board.

After payment of the docket/filing fee, the case shall be forwarded to the Board together with the postal money order. Upon receipt thereof, the case shall be numbered and docketed accordingly. The Board shall post in appropriate places the schedules for hearing and conference of docketed cases.

SECTION 6. Raffle and Assignment of Cases - All docketed cases shall be referred to the Executive Director for raffle and assignment to hearing officers. A Hearing Officer may inhibit himself from hearing a case, provided that he shall state in writing the reasonable grounds which shall be addressed to the Sound discretion of the Executive Director. In case of inhibition, the Executive Director shall re-affle the same.

SECTION 7. Answer - Upon assignment of a case to a Hearing Officer, the Board shall furnish the party a copy of the complaint/ protest and require him to answer in writing within ten (10) days from receipt thereof.

Should Respondent/Protestee fail to answer within the period, the Hearing Officer shall proceed *ex-parte* to receive the evidence of the complainant/protestant and shall submit his report to the Board based on the facts and evidence presented.

SECTION 8. Effects of Withdrawal of Complaint/Opposition - The withdrawal of a complaint/opposition shall not have the effect of automatic dismissal of the proceedings thereon. The Board may *motu proprio* continue the same if it deems appropriate in the interest of the public.

Rule IV **Preliminary Conference/Hearing**

SECTION 1. Preliminary Conference/Hearing - Upon receipt of Respondents/Protestee's answer,

the Hearing Officer shall direct the parties and their attorneys to appear before him for preliminary conference to consider the following:

1. Possible settlement of the case;
2. Simplification of the issues;
3. Advisability of amendment to pleadings;
4. Possibility of stipulations of facts;
5. Admissibility and authenticity of documents proposed to be submitted by a party;
6. Possible limitation on the number of witnesses to be presented;
7. Such other matters as may aid in the speedy disposition of the case.

The proceedings during the conference shall be conducted informally in nature and the hearing officer shall take appropriate steps towards a peaceful and equitable settlement of the issues.

SECTION 2. Amicable Settlement - Amicable settlement shall, in all cases, be reduced in writing and signed by the parties. Within fifteen (15) days from the signing thereof, a report with comments and recommendation shall be submitted to the Board for consideration. However, such amicable settlement shall not bind the Board if it finds that there is a *prima facie* violation of the law and its implementing rules and regulations, in which case, the legal action against the erring party shall proceed.

SECTION 3. Failure to Appear at Preheating Conference - A party who fails to appear at a preliminary conference may be non-suited or considered as in default.

SECTION 4. Judgment on the Pleadings and Summary Judgment - If the Complaint/Protest does not raise a question of fact and involves purely a question of law, the Hearing Officer shall dispose of the case based on the pleadings and evidence submitted. In cases of first impression, the parties, aside from the pleadings filed, maybe required to submit their respective position papers or memoranda. However, the Hearing Officer may call the parties to a hearing to answer clarificatory questions after the submission of their respective position papers or memoranda.

Rule V Proceedings Before the Hearing Officer

SECTION 1. Authority/Powers of the Hearing Officer - The duly designated Hearing Officer shall have the following authority/powers:

1. To hear cases consistent with these rules and to exercise full and active control of the proceedings at any stage thereof;
2. To administer oath to witnesses, take depositions and secure the attendance of witnesses and/or production of relevant documents thru the compulsory process of *subpoena* and/or *subpoena duces tecum*. However, the contending parties may avail of such processes only by filing a formal written request with the Hearing Officer.
3. To hear and resolve all motions;
4. To conduct physical or ocular inspection of the premises and for that purpose, the Hearing Officer and the parties shall have authority to enter upon private lands with previous notice to the owners thereof. The ocular inspection/ investigation report shall be furnished to the parties