



THE POLICY ON ILLEGAL WATER CONNECTION

I. GENERAL STATEMENT

The existence of any illegal, unauthorized, or tampered service connections deprives not only the Water District's much-needed revenues but also of the good-paying concessionaires' need for more water for their personal use.

The policy shall be the governing guideline in determining, apprehending, and penalizing the illegal use of TCWD water such as illegal connection, illegal reconnection, and other forms of water stealing such as meter reversal, meter tampering, and fetching water before the meter and direct installation of booster pump on TCWD service line.

II. DEFINITION OF TERMS

1. Illegal Use referred herein shall refer to and shall include the following:

- a. Water service connection through which a person derives water supplied by the TCWD who has no account duly approved by the TCWD.
- b. Water service connection with the water supply system of TCWD with an account duly approved by the TCWD but has been disconnected for non-payment of bills and other charges and/or other increments thereof; disconnection upon request of concessionaires; and/or disconnected for any other reason/s, and which disconnected line has been illegally re-opened/reconnected without authority or consent of TCWD.
- c. Duly approved water service connection with the TCWD, which thereafter has been discovered with a tampered, reversed, and bypassed meter. This offense shall include the installation of a by-pass or any gadget, booster pump installed directly in the distribution line, instrument, or object which may be subject to any manipulation or to any extent impedes, restricts, or retards in any manner the normal operation of the TCWD.
- d. Duly approved water service connection with TCWD, which thereafter has been discovered fetching water at a point before the meter. The customer consumes water that is not metered by closing the stop cork, removing the

meter then connecting a hose pipe to the network and fetching water, and returning the meter thereafter.

- e. Any analogous cases not mentioned above but which tends to deprive TCWD with revenues and/or affect the quantity or quality of the water flow of the waterworks system.
2. **Penalties** – the amount charged for violations of this Policy including illegal connections, illegal reconnections, meter tampering, meter reversal, and meter by-pass or fetching water before the meter and direct installation of booster pump on the service line and other forms of water stealing.
3. **Toledo City Water District** – also referred herein as “TCWD”, or “Water District”.
4. **Incentives** – the amount given to informants which aims to encourage civic-spirited individuals to help in mitigating illegal connections.
5. **Informants** – individuals who supply information and evidence about another person’s illegal use of TCWD water.

III. DETERMINATION OF OFFENSES IN ACCORDANCE WITH REPUBLIC ACT (RA) NO. 8041 OR THE NATIONAL WATER CRISIS ACT OF 1995

The provision of R.A. No. 8041 on *anti-pilferage* is hereby expressly adopted; thus, it is unlawful for any person to:

1. Do any malicious act which shall injuriously affect the quantity or quality of the water flow of TCWD, or the supply, conveyance, measurement, or regulation thereof, including the prevention of, or interference with any authorized person engaged in the discharge of duties connected therewith;
2. Prevent, obstruct, and interfere with the survey, works, and construction of access road and water mains and distribution network and any related works of TCWD;
3. Tap, make, or cause to be made any connection with water lines without prior authority or consent from the TCWD;
4. Tamper, install, or use tampered water meters, sticks magnets, reversing water meters, shortening of vane wheels, and other devices to steal water or interfere with accurate registry or metering of water usage, or otherwise result in its diversion in a manner whereby water is stolen or wasted;

5. Use or receive the direct benefit of water service with the knowledge that diversion, tampering, or illegal connection existed at the time of that use, or that the use or receipt was otherwise without the authorization of the TCWD;
6. Steal or pilfer water meters, main lines, pipes, and related or ancillary facilities;
7. Steal water for profit or resale;
8. Knowingly possess stolen or tampered water meters; and
9. Knowingly or willfully allow the occurrence of any of the above.

IV. PRIMA FACIE EVIDENCE IN ACCORDANCE WITH REPUBLIC ACT (RA) NO. 8041 OR THE NATIONAL WATER CRISIS ACT OF 1995

The presence of any of the following circumstances shall constitute *prima facie* evidence of theft, pilferage, or of any unlawful acts enumerated in Section III hereof:

1. The existence of illegal or unauthorized tapping into the water main or distribution pipe;
2. The existence of any illegal connection such as reversed meter, shortened vane wheel, bypass, or other connections which adversely affect the registration of the water meter;
3. The presence of a bored hole in the glass cover of the water meter, or at the back of or any part of the meter including the vertical vane;
4. The presence of tampered or fake seals on the meters. Inspection of tampered water meters shall be done in the presence of the registered water consumer;
5. The presence of a reversed meter in the premises, insertion of rod, wire, or stick in the meter, filed or shortened vane wheel, removal or altering of any part of the meter mechanism, use of a magnet and similar illegal devices which interfere with the meter registration;
6. Destruction of the meter protection and other metering accessories; or
7. Abnormal imprints, traces, or marks found in the water assembly;
8. Direct installation of a booster pump to the TCWD line without installing an artificial/underground tank.

The *prima facie* shall not apply to tenants who have occupied the house or dwelling for ninety (90) days or less.

V. SPECIAL AGGRAVATING CIRCUMSTANCES IN ACCORDANCE WITH REPUBLIC ACT NO. 8041 OR THE NATIONAL WATER CRISIS ACT OF 1995

The following shall be considered aggravating:

1. When the violation is committed in conspiracy with at least another person, both of whom shall be considered as principals;
2. When the offense is committed by, or in connivance with private or accredited plumber, officer, or employee of the TCWD, who shall all be considered as principals; or
3. When the violation is coupled with the sale from a source which is illegal, unregistered, or a source with a tampered meter.

VI. PENALTIES

1. The water utility concerned shall have the right and authority to disconnect the water services, five (5) days after service of written notice to that effect, except on Sundays and holidays, without need of a court or administrative order, and deny restoration of the same, when a prima facie evidence of theft or pilferage shall have been established in accordance with Section 8 hereof: Provided, That a notice shall have been issued even upon discovery for the first time of the presence of any of the circumstances herein enumerated: Provided, further, That the water service shall not be disconnected or shall be immediately restored upon deposit, by the person concerned, of the difference in the billing made by the water utility concerned: Provided, finally, That the deposit shall be credited against future billings, with legal interest thereon where the alleged theft, pilferage or current diversion has not been committed, without prejudice to being indemnified for damages in accordance with the Civil Code and other existing laws.

A written notice of seventy-two (72) hours is necessary to effect water service disconnection upon the discovery for the second time of any of the circumstances enumerated in Section 3 hereof.

2. The offenders shall be subject to the following:

Imprisonment of six (6) months to two (2) years and a fine not exceeding double the amount of the value of the water stolen or the value of the damaged facilities. Provided, however, That if the offender is assisted in the commission of the crime by a plumber, officer, or employee of the water utility concerned, the said employee, officer, or plumber shall be punished by imprisonment of two (2) years to six (6) years; Provided further, That if the water is stolen for profit or resale, the offender shall be punished imprisonment from six (6) years to twelve (12) years.

If the offender is a juridical person, the penalty shall be imposed on the chairman, president, general manager, administrator, and the officers thereof who shall have knowingly permitted, or are otherwise responsible for the commission of the offense.

3. Payment of the administrative penalty for illegal use of District Water for the following:

a. Residential/Domestic	-	Php10,000.00
b. Commercial	-	Php20,000.00
c. Industrial	-	Php50,000.00

4. Payment of water consumed which must be computed, regardless of classification and in addition to the administrative penalty which shall be determined based on the following:

a. For illegally re-opened disconnected/closed service connection
The computation shall be based on the actual meter reading.

b. For unregistered water connection
The computation shall be based on the highest average consumption for the last 6 months of the particular route or the average liters per capita and other uses per day multiplied by the estimated time when the illegal connection started up to the time it was uncovered. The computation of the estimated period should be a minimum of 90 days or 3 months or more depending on the evaluation of evidence and other related facts gathered. (Annex A – Case No. 1 for sample computation)

c. For active connections with tampered/reversed meters
The computation shall be based on the average consumption of the particular area or the average liters per capita and other uses per day as determined during the investigation. The computation shall be reckoned

from the time the water meter was determined tampered with up to the time it was uncovered.

5. Payment for the repair cost in case of damaged facilities and/or their appurtenances and fittings, or if beyond repair, the costs of replacements are based on the current market price.
6. TCWD shall not be held liable for the restoration costs of physical assets or works which were destroyed in order to undertake an investigation to uncover and verify the existence and extent of the offense. This includes roads, fences, driveways, walks, floorings, etc. not owned by the offender.

VII. INCENTIVES

1. In order to implement this policy effectively, the grant of rewards and incentives shall be paid to informants including TCWD employees who can provide information with evidence on pilferages and illegal acts that will lead to the stoppage of water and recurrence of losses. All reports/information shall be aptly documented and verified.
 - a. Upon validation of the reported incident and presented evidence, the informants will receive an incentive for every case reported/discovered.
 1. Php1,000.00 for residential/domestic perpetrators
 2. Php1,500.00 for commercial/industrial perpetrators
 3. Php500.00 for Barangay Tanod or Police Officer
 - b. If the team discovers an illegal connection, the incentive will be shared among all the team members.
2. The payment of reward money to the informants will be paid from the approved budget allocation for confidential and intelligence funds.
3. The administrative penalty shall form part of the other income of the agency.

VIII. DUTIES AND RESPONSIBILITIES OF THE INVESTIGATION TEAM

1. Perform the necessary investigations/procedures in uncovering/apprehending illegal connections.
2. Inform the violator/perpetrator of the alleged illegal connection.

3. Shall enter the premises where the violation is committed at any reasonable hour of the day as provided for in No. 17 of the Water Service Contract and that the owner/representative/occupant or tenant of the house shall be present to witness the uncovering of the illegal connection.
4. Upon confirmation of illegal connection, the team shall be responsible for the gathering and safekeeping of all necessary evidence such as, but not limited to:
 - a. Complete name and address of the violator
 - b. Cluster/DMA Number (if any)
 - c. Date and time of investigation
 - d. Pictures/videos of illegal connection/illegal use of TCWD water
 - e. Estimated date when the connection was installed based on the queries from the neighbors around and other circumstantial evidence gathered in the area.
5. The team leader shall immediately make an incident report duly acknowledged by the attending Barangay Tanod or Police Officer and submit it to the Head of the Commercial Services Department within twenty-four (24) hours from the discovery for his information and appropriate action.
6. The Head of the Commercial Services Department shall immediately make an official written notice upon receipt of the incident report and serve to the violator within eight (8) working hours.

IX. VIOLATORS/ OFFENDERS

1. The violator/offender shall be given three (3) working days from receipt of the notice of illegal connection to appear before the Commercial Services Department to settle his/her obligations.
2. The violator/offender shall have the responsibility to remove the structure installed in his/her water service connection to comply with the TCWD standards and policies.
3. If the violator fails to settle his obligation within the specified period, a case of water pilferage may be filed against him/her as provided in Chapter 7, Section 31 of the Presidential Decree (PD) 198 Protection of Water and Facilities of District and Section 8 of Republic Act (RA) 8041 Water Pilferage Law or the National Water Crisis Act of 1995.

These policies are subject to change at the discretion of TCWD Management and the Board of Directors, including the administrative penalty, without the necessity of prior notice or hearing from its concessionaires.

Recommending for approval:

Edgardo G. Nicolas
General Manager

Date: _____

Approved per BOD Resolution No.: _____

Dated: _____

ANNEX A – CASE NO. 1
For unregistered/Illegal Water Connection

Reference for the computation:

The highest average consumption for the last six (6) months of the:

- a. Particular are prior to the discovery of the violation or the average liters per capita and other uses per day
- b. The date the violation was discovered
- c. The number of months to be multiplied – depending on the evaluation of the evidence and other related facts gathered during the investigation

Example: Given the discovery of the violation on January 5, 2022, and the area is in the Route 011 – Bato

Months CY 2021	Average Consumption/ Month in m ³
January	19.75
February	19.65
March	19.90
April	20.50
May	20.75
June	20.50
July	20.90
August	20.80
September	19.50
October	19.45
November	21.50
December	20.85

Sample Computation A

With an average of five (5) persons in the household and no other uses of water.

1. The highest average consumption for the last six (6) months prior to the discovery of the violation

October	19.45	
November	21.50	
December	20.85	

2. Multiplied by the estimated period
 Minimum = 90 days or three (3) months
 Or more depending on the evaluation of the evidence gathered during the investigation.
3. Total estimated consumption (3 months * 21.50 m³) = **64.5 m³**

Sample Computation B

The number of occupants in the household is more than the average and additional uses of water were determined.

1. Using the size ½” service line
= 133 liters per capita per day * no. of persons * 30 days
= 133 liters * 6 * 30 days
= **23,940 liters/month**

Additional Usage:

Washing cars/other vehicles = 200 – 500 liters per day
= 200 liters * 2 times per week * 4 weeks
= **1,600 liters/month**

Cleaning the piggery = 200 – 300 liters per day
= 200 liters per day * 30 days
= **6,000 liters/month**

Watering the plants
= 120 liters per day * 30 days
= **3,600 liters/month**

2. Multiplied by the estimated period
Minimum = **90 days or 3 months** or more depending on the evaluation of evidence
3. Total Consumption
Estimated monthly consumption (in cubic meters) multiplied by the estimated number of months
= 23,940 + 1,600 + 6,000 + 3,600 liters/month
= 35,140 liters/month or 35.14 m³/month
= 35.14 m³/month * 3 months
= **105.42 m³**