

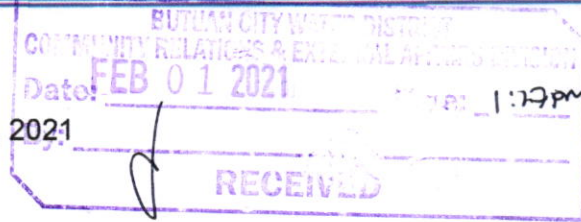


BUTUAN CITY WATER DISTRICT

Gov. Jose A. Rosales Avenue, Butuan City
Tel. Nos. (085) 341-6373/74, 342-3145/46 (Phone no.) 0918-930-4234/ 0917-188-8726
Fax Nos. (085) 815-1268 / 341-5008 / 341-4298



February 01, 2021



TO ALL CENTER OF LEARNING WITHIN THE TERRITORY (SERVICE AREA) OF THE BUTUAN CITY WATER DISTRICT DULY RECOGNIZED AND ACCREDITED BY THE DEPARTMENT OF EDUCATION AND TESDA WHICH ARE STRICTLY PRIVATELY-OWNED AND/OR OPERATED, AND COULD INCLUDE PRE-SCHOOLS, COMPUTER SCHOOLS, AND VOCATIONAL/TECHNICAL SCHOOLS, PURSUANT TO LWUA MEMORANDUM CIRCULAR 005.16 DATED JUNE 5, 2016:

Subject: REQUEST FOR NOMINATION

Please be informed that the term of a member of the Board of Directors of Butuan City Water District **representing the Education Sector** was vacated on January 31, 2021. For this reason and pursuant to pertinent laws, rules and regulations attached, nomination from different organizations of the **Education Sector** is hereby solicited. From among the nominees, one will be chosen and appointed.

Should you wish to submit a nomination who must be a member of good standing of your organization, please submit a written nomination to the **Board Secretary c/o Board Secretariat, Butuan City Water District, Gov. J.A. Rosales Avenue, Butuan City, on or February 19, 2021.**

The nomination should be accompanied with the following documents:

- a) Nomination letter signed by the President with **attached Board Resolution** signed by all members or majority of the Board of Directors/Trustees which must state, among others, the following:
 - (1) Authorization of the Nominating Officer/President by way of board resolution or secretary's certificate.
 - (2) The nominee is a Filipino citizen.
 - (3) The nominee is of voting age and a registered voter of Butuan City.
 - (4) The nominee is a resident within Butuan City which is covered and served by Butuan City Water District.
 - (5) Has no pending case in court filed against him nor convicted of a crime involving moral turpitude.
 - (6) A BCWD concessionaire and has no arrears in water bill.
 - (7) The nominee has not been involved or participated in any form, way, manner, degree or nature against Butuan City Water District.
 - (8) The nominee must be connected with your institution either as an officer, employee, teacher, owner/stockholder or consultant.
Please attach scanned copy of his/her I.D. from the institution/school.
 - (9) Certification (notarized) from the organization that the nominee is a bona fide member and of good standing.
- b) Updated Bio-data with three (3) passport size pictures
- c) Certification under Oath (notarized) from the nominee that :
 - c.1) he or she is not a public official or a government employee.
 - c.2) he or she is not a relative within the third (3rd) degree or affinity of consanguinity of the Appointing Authority
 - c.3) he or she is not covered by the one-year election ban

"Replicating Nature's Way"


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Please refrain from nominating a member who is a public/government official as director of the water district, as he/she is not qualified, in accordance with the provision of PD 198, as amended, particularly Section 8 thereof.

Kindly submit **three (3) original sets** of the above requirements stated from (a) to (c).

Thank you for your prompt attention to this request.

Very truly yours,


CRISPIN L. YOUNG
Treasurer/Board of Director
Acting Secretary



LOCAL WATER UTILITIES ADMINISTRATION

P.O. BOX 34, U.P. Post Office, Katipunan Avenue, Balara, Quezon City
Tel No.: 920-5581 to 99; 920-56-01 Fax No.: (632) 922-34-34
Administrator's Direct Line: (02) 929-61-07
LWUA Website: www.lwua.gov.ph

June 6, 2016

MEMORANDUM CIRCULAR NO. 0,05 . 16

TO: ALL LOCAL WATER DISTRICTS and OTHER CONCERNED GOVERNMENT ENTITIES

SUBJECT: REVISED POLICY GUIDELINES PERTAINING TO PROPER REPRESENTATION IN THE WATER DISTRICT BOARD OF DIRECTORS AND AMENDING RESOLUTION NO. 337, SERIES OF 2009 AND OTHER RELATED ISSUANCES FOR THE PURPOSE¹

Letter of Instructions No. 744, paragraph 4, mandates and empowers LWUA to "review the composition of the Board of each Water District to make sure that consumers are properly and fully represented" and to "initiate the necessary changes." In practice, however, the Administration has found out that there are still some erroneous and non-complying appointments made in the matter of proper representation of the appointees to the Water District Board of Directors.

Consequently, in furtherance of its regulatory powers over Water Districts, LWUA finds it urgent and necessary to promulgate the following guidelines pertaining to proper representation in the Water District Board, to wit:

I. GENERAL QUALIFICATIONS:

A. The **basic qualifications** of a Director in the WD Board of Directors are as follows:

1. A citizen of the Republic of the Philippines;
2. Of voting age;
3. Resident within the district;

Additionally, the appointee -

- a.) Must not be a relative within the third (3rd) degree of affinity

¹ Pursuant to LWUA Board of Trustees Resolution No. 105, Series of 2015 adopted on November 5, 2015.

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- or consanguinity of the appointing authority;
- b.) Must not be a government employee/official; and
- c.) Must not be covered by the one-year election ban.

An appointee who meets the above qualification shall have a "continuing qualification" until the expiration of his or her term. Provided, however, that such policy shall not apply in any of the following instances:

- a.) Loss of Philippine citizenship due to acquisition of other nationality/ies
- b.) Change of residence outside of the District
- c.) Appointment or election to a public office during his or her term
- d.) Filing of Certificate of Candidacy in any local or national elections.

Appointees holding dual citizenships shall be governed by Section 5(3) of Republic Act No. 9225 which states that:

"Those appointed to any public office shall subscribe and swear to an oath of allegiance to the Republic of the Philippines and its duly constituted authorities prior to their assumption of office: provided, that they renounce their oath of allegiance to the country where they took that oath."

A "resident" refers to one who has residence within the boundaries of the Water District as specified in Section 6(b) of Presidential Decree No. 198, as amended.

B. Definition of the Sectoral Organizations – Members of the Water District Board of Directors shall be composed of one representative each from the following sectors:

1. **Civic-oriented Service Clubs** – organizations duly registered or accredited by appropriate government agencies or local government unit whose main purpose is the improvement of the community through civic works and are non-political in nature. These organizations or clubs must be known in the locality, and may include the Rotary, Lions, Jaycees, Knights of Columbus, REACT, and other duly recognized clubs.
2. **Professional Associations** – those duly recognized or accredited by the Supreme Court (SC) or the Professional Regulation Commission (PRC). Per definition of the PRC, the professional associations must be:
 - a.) Established for the benefit and welfare of the professionals of one discipline for the advancement of the profession itself, and for other professional ends;

b.) Open to all registered professionals of the same discipline without discrimination, provided that those engaged in kindred trades or occupation may be admitted as auxiliary members;

c.) Representative of the profession to which it seeks accreditation, provided that within two years from the date of its accreditation, the membership in the organization shall include more than fifty per centum of the registered professionals who have been issued their current annual registration cards;

d.) A national organization or association of a regulated profession provided it has a chapter within the District.

The updated list of Professional Associations maintained by the PRC and the Roster maintained by the Integrated Bar of the Philippines shall be the main reference in this particular case.

An individual to be declared a "professional" must have passed a PRC or SC-administered licensure examination and should be a holder of the corresponding valid license to practice his/her profession.

3. **Business, Commercial, or Financial Organizations** – organizations of business persons or establishments within the service area of the Water District (not individual business establishments or firms) who have organized themselves into such organization, e.g. Chamber of Commerce, Bankers Association, Municipal/City/Provincial Business Associations, Association of Cooperatives, Market Vendors Association, and other known legitimate organizations duly registered with appropriate government agency or local government units.

4. **Educational Institutions** – any center of learning in the territory of the Water District duly recognized and accredited by the Department of Education or the TESDA. These are strictly privately owned and/or operated, and could include preschools, computer schools and vocational/technical schools. Directors representing these institutions must be connected with the same either as an officer, employee, teacher, owner/stockholder or consultant.

5. **Women's Organizations** – organizations whose undertakings can be aligned with the vision and mission of the Philippines Commission on Women which "champions women's empowerment and gender equality" and "work for the promotion, protection, and fulfillment of women's human rights to enable women and men to contribute to and benefit equally from development." Such organizations must be known and the chapter or groups duly registered with appropriate local government units or government agencies within the district; and may include such organization as the Catholic Women's League, Gabriela, Soroptomist Club, Samahang Kababaihan, and the like.

The Water District is hereby required to maintain an updated list of accredited/registered organizations, associations or institutions for purposes of effectively soliciting nominees.

II. NOMINATIONS AND APPOINTMENTS

a.) A nominee must be a *bona fide* member in good standing of the nominating organization, association, club, or institution.

b.) In the case of Women's Organizations, the nominee/appointee must belong to the female gender.

c.) Nominations shall either be through a resolution of the governing board or by a nomination certified by the duly authorized officer/s of the organization.

d.) Only one (1) nomination for each organization, association or institution shall be allowed. In case this is not followed the rule on "first in time" shall be observed.

Procedural Guidelines

1. The regular term of a Water District Director is six (6) years which expires on December 31 of an even-numbered year. To fill-up this vacancy nominations shall be conducted pursuant to Section 10 of Presidential Decree No. 198, as amended, in accordance with the following procedural guidelines.

Activity (Sec. 10, P.D. No. 198, as amended)	Period	Deadline
SOLICITATION – sent by the Board Secretary to all known associations/ organizations/ clubs/ institutions to be represented	On or before October 1 st	October 1 st
NOMINATION by the associations/ organizations/ clubs/ institutions for transmittal/submission to the Board Secretary	On or before November 1 st	November 1 st
TRANSMITTAL OF THE LIST OF NOMINEES TO THE APPOINTING AUTHORITY by the Board Secretary	On or before November 15 th	November 15 th

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APPOINTMENT by the Appointing Authority (determined through Section 3 (b) of P.D. No. 198, as amended)	On or before December 15 th	December 15 th
APPOINTMENT BY THE WATER DISTRICT BOARD through substituted authority exercised by majority of vote of the seated members of the Board of Directors constituting a quorum if the appointing authority fails to appoint before December 15 th	December 16 th	December 31 st

Since November 1st is a public holiday, all nominations must be received by the District before November 1st.

Should the last day (November 15th and December 15th) fall on a rest day or holiday, the transmittal and issuance of the prescribed appointment must be dated not later than the prescribed dates.

Direct solicitation is indispensable. Solicitation shall be sent directly to all the organizations/ associations/ institutions included in the Water District's updated list of known, accredited or registered organizations, associations, institutions as the case may be. In addition thereto, and in order to augment direct solicitation to ensure that no known associations/ organizations/ institutions belonging to the sector will be omitted in the solicitation process, the district may also consider:

- a.) Advertising the Solicitation for Nomination in at least one (1) local newspaper (published in the municipality, city or province, or through public-service announcement in a local radio station; or
- b.) Posting the Solicitation for a period of seven (7) calendar days in at least three (3) conspicuous places within its service area, or
- c.) Posting the Solicitation for a period of seven (7) calendar days in the Water District office premises or in its official website, if any.

The Board Secretary shall transmit to the appointing authority the complete and unpurged list of nominees on or before the deadline set in PD 198, as amended. If the nominee is found to suffer from any deficiency, his/her name shall still be included in the list of nominees but such deficiency shall be indicated for the guidance of the appointing authority.

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2. Appointments in case of vacancies occurring more than six months before expiration of a Director's term, shall follow the procedure prescribed herein:

Activity (Section 12, P.D. No.198, as amended)	Period
Remaining Directors shall serve notice or request the Secretary of the District for Nominations	Within 30 days after occurrence of the vacancy
Submission of the list of nominees to the Appointing Authority	30 days
Appointment of replacement Director by the Appointing Authority	Within 30 days after submission of the list of nominees
Appointment by majority vote of the remaining members of the Board of Directors through substituted authority if the appointing authority fails to appoint within 30 days after submission of the list of nominees.	Within 30 days from the deadline set for the appointing authority

Directors appointed in this case shall serve the unexpired term only.

III. APPOINTMENTS MADE BY THE APPOINTING AUTHORITY WITHOUT NOMINATIONS SUBMITTED OR IN CASE WHERE THERE ARE NO EXISTING ORGANIZATIONS, ASSOCIATIONS, INSTITUTIONS SUPPOSED TO BE REPRESENTED:

1. Sections 9 of P.D. No.198, as amended, states that "...If no nominations are submitted, the appointing authority shall appoint any qualified person of the category to the vacant position."

In the event certain existing or known organization, association or institution were omitted from soliciting their respective nominees and upon valid complaint shall render the list of nominees as incomplete and invalid. Consequently, the appointing authority may appoint anyone as if no list of nominees have been submitted provided the appointee is deemed qualified for the category.

The reference to "**qualified person of the category**" means that the appointee must possess all the required personal qualifications and what is being dispensed with is only the list of nominees. Hence, the appointee must still be a member of the sector sought to be represented.

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2. For localities where there are no existing organizations, associations, clubs, or institutions sought to be represented, the appointment made by the Appointing Authority shall be given due course, provided the appointee is deemed reasonably qualified to represent the particular category, as defined above. The Board Secretary must certify in writing that there are no known organizations/ associations/ institutions existing in the locality.

3. * The term "**qualified**" or "**reasonably qualified**" shall mean that the appointee should:

- a.) Be a holder of a valid PRC or SC – issued license to practice a profession to represent the professional Associations;
- b.) Be engaged in a legitimate business activity/ies to represent Business Organizations;
- c.) Be known to be a civic-spirited member of the community, actively involved in community civic-oriented activities to represent Civic-Oriented Service Clubs;
- d.) Be connected to the academe or other educational endeavors to represent Educational Institutions; and
- e.) Be a respectable citizen of the female gender to represent Women's Organizations.

IV. EXERCISE OF SUBSTITUTED AUTHORITY

The Board is empowered to exercise its substituted authority to appoint a Director pursuant to Sections 10 and 12 of P.D. No.198, as amended. However, the following conditions should exist prior to the exercise thereof:

1. Proper solicitation of nomination from each locally known organization, association or institution belonging to the vacant/soon to be vacated sector;
2. Timely transmittal of the list of nominees to the Appointing Authority; and
3. Failure of the Appointing Authority to appoint from the said list of nominees within the reglementary period.

All appointments made by the Appointing Authority shall be entitled to the presumption of regularity. However, all Water District Board appointments shall be subject to review and confirmation by LWUA pursuant to paragraph 4 of Letter of Instructions No. 744. Prior to LWUA's confirmation of their appointment, Water District Board member shall be considered as *de facto* officers of the Water District.

V. REQUIREMENTS FOR LWUA'S REVIEW OF APPOINTMENTS AND ISSUANCE OF CONFIRMATION

The following documents shall be submitted to LWUA:

1. **SOLICITATION LETTERS** – all solicitation letters signed by the Board Secretary, sent to all known organizations/ associations/ clubs/ institutions, duly marked received by the addressee. In cases where the Water District resorts to solicitation by advertisement or posting, through the print or local broadcast media, certification to this effect shall be required.
2. **NOMINATION LETTERS** – copies of ALL nominations duly received and signed by the Water District Board Secretary.
3. **AUTHORIZATION** of the nominating officer by way of board resolution or secretary's certificate.
4. **TRANSMITTAL LETTER OF THE LIST OF NOMINEES** to the Appointing Authority, indicating the names of the nominees and the nominating organizations, associations, clubs or institutions.
5. **APPOINTMENTS** duly signed by the Appointing Authority, clearly indicating the term of office and the intended representation.
6. **UPDATED BIODATA** with picture and signature of the appointee.
7. **CERTIFICATION** by the appointee under oath that he/she is not a Public Official or a government employee.
8. **CERTIFICATION** as to the appointee's *bona fide* membership in the nominating organization/ club/ association or institution.
9. Where there are no known organizations/ clubs/ associations or institutions, a **CERTIFICATION** to that effect shall be issued by the Board Secretary of the Water District or by the Secretary of the appropriate Local Government Unit or a competent Officer of the Local Government.
10. **BOARD RESOLUTION** appointing the nominee/director in case the appointing Authority fails or waives his right to appoint.

VI. REPEALING CLAUSE

This repeals LWUA BOT Resolution No. 337, Series of 2009. All Circulars and issuances inconsistent with these guidelines are hereby repealed, amended, or modified accordingly.

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VII. EFFECTIVITY

This Policy Guidelines/Rules and Regulations shall take effect fifteen (15) days upon completion of its publication in the Official Gazette or in a newspaper of general circulation.

Please be guided accordingly.



ANDRES F. IBARRA
Administrator

