

ELEVENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
First Regular Session)

'99 MAY 20 P1:51

SENATE

COMMITTEE REPORT NO. 52

RECEIVED BY: G

Submitted by the Committees on Environment and Natural Resources, Finance and
Ways and Means on 20 MAY 1999

1595

Re: SB No. _____ prepared by the committees.

Recommending its approval in substitution of Senate Bill Nos. 41/ 75/ 184/ 329/ 514/
519/ 523/ 960/ 991/ 1042/ 1269/ 1277/ taking into consideration Proposed Senate
Resolution Nos. 120/ 129/ 165/ 179/ 340/ 343/ and 349/

Sponsor: Senator Loren Legarda-Leviste

Mr. President:

The Committees on Environment and Natural Resources, Finance *and* Ways and Means
to which were referred S.B. No. 41, introduced by Senator Flavier entitled:

"AN ACT

**PROVIDING FOR THE PHASE-OUT OF PLASTIC BAGS AS PACKING
MATERIALS OF GOODS SOLD OR DISPOSED BY SARI-SARI STORES,
MARKET VENDORS, DEPARTMENT STORES AND SIMILAR
ESTABLISHMENTS, PRESCRIBING PENALTIES THEREFOR AND FOR
OTHER PURPOSES"**

S.B. No. 75, introduced by Senator Flavier, entitled:

"AN ACT

**REQUIRING THE USE OF RECYCLABLE MATERIALS FOR THE
PACKAGING OF CONSUMER PRODUCTS TO BE SOLD
COMMERCIALY, PROVIDING MECHANISMS THEREFOR, AND FOR
OTHER PURPOSES"**

S.B. No. 184, introduced by Senator Osmeña III, entitled:

"AN ACT

**PROVIDING FOR A NATIONAL COMPREHENSIVE SOLID WASTE
MANAGEMENT AND RECYCLING PROGRAM, DECLARING CERTAIN
ACTS PROHIBITED, PROVIDING PENALTIES THEREFOR, AND FOR
OTHER PURPOSES"**

S.B. No. 329, introduced by Senator Santiago, entitled:

**"AN ACT
REQUIRING THAT PLASTIC RING CARRIER DEVICES SHOULD BE
DEGRADABLE"**

S.B. No. 514, introduced by Senator Revilla, entitled:

**"AN ACT
AMENDING SECTION 2 OF P.D. NO. 825,**

S.B. No. 519, introduced by Sen. Revilla, entitled:

**"AN ACT
PROHIBITING THE USE OF PLASTIC BAGS, STYROFOAM,
ALUMINUM FOILS AND OTHER NON-BIODEGRADABLE MATERIALS,
PRESCRIBING PENALTIES THEREFOR AND FOR OTHER PURPOSES"**

S.B. No. 523, introduced by Senator Revilla, entitled:

**"AN ACT
PROVIDING FOR A COMPREHENSIVE SOLID WASTE MANAGEMENT
PROGRAM, DECLARING CERTAIN ACTS PROHIBITED, PROVIDING
PENALTIES THEREFOR, AND FOR OTHER PURPOSES"**

S.B. No. 960, introduced by Senator Honasan, entitled:

**"AN ACT
PROVIDING FOR THE ESTABLISHMENT OF A COMPREHENSIVE
SOLID WASTE MANAGEMENT PROGRAM IN EVERY LOCAL
GOVERNMENT UNIT, PROMOTING THEREBY LOCAL
COOPERATIVES AND FOR OTHER PURPOSES"**

S.B. No. 991, introduced by Senator Revilla, entitled:

**"AN ACT
PROVIDING FOR A COMPREHENSIVE SOLID WASTE MANAGEMENT
PROGRAM, DECLARING CERTAIN ACTS PROHIBITED, PROVIDING
PENALTIES THEREFOR, AND FOR OTHER PURPOSES"**

S.B. No. 1042, introduced by Senator Santiago, entitled:

**"AN ACT
REQUIRING THE RECYCLING AND THE UTILIZATION OF RECYCLED
MATERIALS BY EDUCATIONAL INSTITUTIONS"**

S.B. No. 1269, introduced by Senator Legarda-Leviste, entitled:

"AN ACT

PROVIDING FOR AN INTEGRATED SOLID WASTE MANAGEMENT POLICY FRAMEWORK, CREATING THE NATIONAL AND LOCAL COUNCILS ON SOLID WASTE MANAGEMENT, DECLARING CERATIN ACTS PROHIBITED, PROVIDING PENALTIES THEREFOR, AND FOR OTHER PURPOSES"

S.B. No. 1277, introduced by Senator Aquino-Oreta, entitled:

"AN ACT

INSTITUTING A NATIONAL SOLID WASTE MANAGEMENT PROGRAM, ESTABLISHING THE NATIONAL SOLID WASTE BOARD AND THE NECESSARY MECHANISMS AND INCENTIVES, AND APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES"

SR No. 120, introduced by Senator Revilla, entitled:

"RESOLUTION

DIRECTING THE APPROPRIATE SENATE COMMITTEE(S) TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, INTO THE PROPRIETY AND NECESSITY OF ESTABLISHING A COMPREHENSIVE AND NATIONWIDE GARBAGE DISPOSAL SYSTEM, WITH THE END IN VIEW OF RECOMMENDING THE APPROPRIATE ENVIRONMENTAL FRIENDLY LEGISLATIVE MEASURES THEREFOR"

SR No. 129, introduced by Senator Revilla, entitled:

"RESOLUTION

DIRECTING THE APPROPRIATE SENATE COMMITTEE(S) TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION INTO THE ENVIRONMENTAL AND HEALTH IMPACTS OF PROPOSED CONSTRUCTION AND OPERATION OF VARIOUS INCINERATORS AT EXISTING DUMPSITES IN THE COUNTRY AND FOR OTHER PURPOSES"

SR No. 165, introduced by Senator Legarda-Leviste, entitled:

"RESOLUTION

URGING THE SENATE COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES TO INQUIRE, IN AID OF LEGISLATION, INTO THE DISPOSAL OF NON-BIODEGRADABLE PACKAGING MATERIALS FROM FAST FOOD ESTABLISHMENTS FOR THE PURPOSE OF ASSESSING THE IMPLEMENTATION OF ECOLOGICAL SOLID WASTE MANAGEMENT POLICIES"

SR No. 179, introduced by Senator Biazon, entitled:

**"RESOLUTION
DIRECTING THE APPROPRIATE SENATE COMMITTEE TO CONDUCT
AN INQUIRY, IN AID OF LEGISLATION, INTO THE DANGER POSED
BY THE CONTINUED OPERATION OF THE SAN MATEO LANDFILL
ON THE WATER SUPPLY OF METRO MANILA"**

SR No. 340, introduced by Senator Legarda-Leviste, entitled:

**"RESOLUTION
URGING THE SENATE COMMITTEES ON ENVIRONMENT AND
NATURAL RESOURCES; AND ON LOCAL GOVERNMENT TO
INQUIRE, IN AID OF LEGISLATION, INTO THE SOLID WASTE
MANAGEMENT PROBLEMS OF METRO MANILA AND THE PROTEST
OF THE LOCAL COMMUNITIES TO THE CONTINUED OPERATION
OF THE SAN MATEO LANDFILL BY THE METRO MANILA
DEVELOPMENT AUTHORITY"**

SR No. 343, introduced by Senator Jaworski, entitled:

**"RESOLUTION
IN AID OF LEGISLATION, DIRECTING THE SENATE COMMITTEES
ON ENVIRONMENT AND NATURAL RESOURCES; AND LOCAL
GOVERNMENT TO LOOK INTO THE WASTE DISPOSAL PROBLEM IN
THE COUNTRY WITH THE END IN VIEW OF FINDING THE BEST
ALTERNATIVE FOR THE PROPER DISPOSAL AND/OR TREATMENT
OF METRO MANILA'S GARBAGE AND FOR OTHER PURPOSES"**

SR No. 349, introduced by Senator Legarda-Leviste, entitled:

**"RESOLUTION
DIRECTING THE SENATE COMMITTEES ON ENVIRONMENT AND
NATURAL RESOURCES; AND HEALTH AND DEMOGRAPHY TO
CONDUCT AN INQUIRY, IN AID OF LEGISLATION, INTO THE
COMPLAINT OF RESIDENTS OF METRO MANILA THAT THE
DUMPING OF TONS OF GARBAGE, RAW SEWAGE AND TOXIC
WASTES INTO MANILA'S WATERWAYS AND EVENTUALLY, INTO
MANILA BAY HAS REACHED PROPORTIONS THAT POSE CLEAR
AND PRESENT DANGER TO THE PUBLIC HEALTH"**

have considered the same and have the honor to report them back to the Senate with the

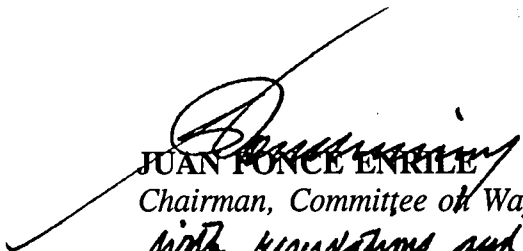
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recommendation that the attached bill, S.B. No. _____ prepared by the committees, entitled:

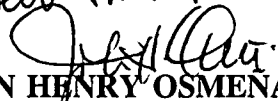
**"AN ACT
INSTITUTING AN INTEGRATED SOLID WASTE MANAGEMENT
PROGRAM, CREATING THE NATIONAL AND LOCAL SOLID WASTE
COUNCILS AND THE NECESSARY MECHANISMS AND INCENTIVES,
DECLARING CERTAIN ACTS PROHIBITED AND PROVIDING
PENALTIES, APPROPRIATING FUNDS THEREOF, AND FOR OTHER
PURPOSES."**

be approved in substitution of S.B Nos. 41, 75, 184, 329, 514, 519, 523, 960, 991, 1042, 1269, 1277 taking into consideration Proposed Senate Resolutions Nos. 120, 129, 165, 179, 340, 343 and 349 with Senators Flavies, Osmeña III, Santiago, Revilla, Honasan, Legarda-Leviste, Aquino-Oreta, Biazon, Jaworski, Osmeña and Enrile as authors thereof.


Respectfully submitted:


JUAN PONCE ENRILE
Chairman, Committee on Ways and Means
with reservations and amendments


LOREN LEGARDA-LEVISTE
Chairperson, Committee on Environment and Natural Resources


JOHN HENRY OSMENA
Chairman, Committee on Finance
with reservations & amendments

VICE CHAIRMEN

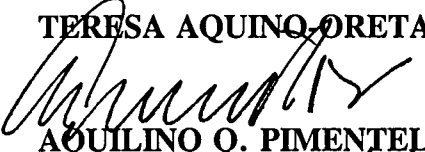

GREGORIO B. HONASAN

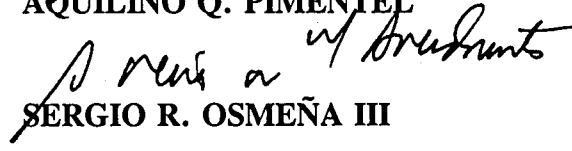

ANNA DOMINIQUE M.L. COSETENG
with reservations


RAMON B. MAGSAYSAY, JR.

MEMBERS

TERESA AQUINO-ORETA


AQUILINO Q. PIMENTEL


SERGIO R. OSMEÑA III
with amendments

ROBERT S. JAWORSKI


RODOLFO G. BIAZON


RAMON B. REVILLA

VICENTE C. SOTTO III

Rauls Roco w/ amendments
RAUL S. ROCO

Robert Z. Barbers
ROBERT Z. BARBERS

Juan M. Flavie
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Renato L. Companero Cayetano
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Francisco S. Tatad
FRANCISCO S. TATAD

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BLAS F. OPLE

President Pro Tempore

Franklin M. Drilon w/ amendments + reservations
FRANKLIN M. DRILON

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Teofisto T. Guingona, Jr. w/ amendments
TEOFISTO T. GUINGONA, JR.

Minority Leader

HON. MARCELO B. FERNAN

Senate President

Senate of the Philippines

Pasay City

ELEVENTH CONGRESS OF THE REPUBLIC
OF THE PHILIPPINES
First Regular Session

SENATE
OFFICE OF THE SECRETARY

'98 JUN 30 P12:46

S E N A T E

S. No.

47

RECEIVED BY:

Introduced by Senator Flavier

EXPLANATORY NOTE

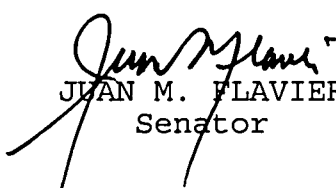
The recent flooding of the Metro Manila Area has again highlighted the precarious balance and status of our environment.

One does not have to go out and search for evidence of man's neglect of the environment. The clogged esteros in every corner of cities in Metro Manila and other urban areas will bear witness to this fact.

The bill proposes the phase-out of plastic bags, not as the answer, but a practical contribution of our collective efforts to the many demands and needs to solve our environmental problems.

This measure is based on the concept of sacrificing some of our convenience for the sake of Mother Earth.

The rapid advance of technology, as shown by the creation of biodegradable plastics, will soften whatever increase in cost the enactment of this law will bring.


JUAN M. FLAVIER
Senator

'98 JUN 30 P12:46

S E N A T E

S. No. 41

RECEIVED BY:

Introduced by Senator Flavier

AN ACT

PROVIDING FOR THE PHASE-OUT OF PLASTIC BAGS AS PACKING MATERIALS OF GOODS SOLD OR DISPOSED BY SARI-SARI STORES, MARKET VENDORS, DEPARTMENT STORES AND SIMILAR ESTABLISHMENTS, PRESCRIBING PENALTIES THEREFOR AND FOR OTHER PURPOSES

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

SECTION 1. Statement of Policy and Principle. - Section 16, Art. II of the 1987 Constitution declares that "The State shall protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature"; the use of plastics is one of the causes of ecological degradation, the same being non-biodegradable; to the use of plastic bags as packing materials of goods sold by business establishments can be attributed one main factor in the environmental problems we are facing.

SEC. 2. Prohibited Act. - The use of plastic bags as packing materials of goods sold by sari-sari stores, market vendors, department stores and similar establishments is hereby prohibited after the phase out period as determined by this Act.

SEC. 3. Phase-out period. - The use of plastic bags shall be phased out within a period of three from the effectivity of this Act.

SEC. 4. Exemptions. - After the phase-out period stated in Section 3 of this Act, only biodegradable plastics shall

be permitted to be used.

SEC. 5. Penalties. - Any violation of this Act shall be penalized as follows:

First Offense : A fine of two hundred pesos (P200.00);
 Second Offense : A fine of five hundred pesos (P500.00);
 Third Offense : A fine of seven hundred pesos (P700.00)
 and suspension of the Business Permit for a period of
 thirty (30) calendar days.

The penalty herein provided shall be imposed upon the owner, manager, administrator or proprietor, for individual proprietorships; upon all partners for general partnerships and the general partner/s for limited partnerships; the branch manager of the particular branch or the manager and the chief operating officer for incorporated businesses; and all such persons, not falling within any of the descriptions/titles above-mentioned, being incharge of the particular offending business establishment, and failing to follow the prohibitions herein defined: Provided, however, That this is without prejudice to the right of the person paying the appropriate fine to seek reimbursement of the amount paid from the owner of the enterprise or establishment.

SEC. 6. The Market Supervisors are hereby deputed to implement the provisions of this Act in the public markets under this jurisdiction.

SEC. 7. The Department of Trade and Industry and the Department of Environment and Natural Resources shall promulgate the implementing rules and regulations of this Act after consultation with consumer groups, producers of plastics and other affected sectors.

SEC. 8. The Department of Science and Technology is hereby tasked with assisting plastic manufacturers in acquiring the appropriate technology required in the manufacture of biodegradable plastic bags.

SEC. 9. Separability Clause. - If, for any reason or reasons, any part or provisions of this Act shall be declared invalid or unconstitutional, other parts or provisions hereof which are not affected thereby shall continue to be in full force and effect.

SEC. 10. Repealing Clause. - All Executive Order and Administrative Regulations and Issuances or part or parts thereof which are inconsistent with any of the provisions of this Act are hereby repealed and/or modified accordingly.

SEC. 11. Effectivity Clause. - This Act shall take effect three (3) months after its complete publication in a newspaper of general circulation in the City, the publication being for once a week for three (3) consecutive weeks.

Approved,

'98 JUL 31 P1:19

ELEVENTH CONGRESS OF THE]
REPUBLIC OF THE PHILIPPINES]
FIRST REGULAR SESSION]RECEIVED BY: SENATE
S. B. No. **96C**

INTRODUCED BY SENATOR GREGORIO B. HONASAN

EXPLANATORY NOTE

The perennial problem of waste and garbage disposal in major urban centers in the country today has reached, to say the least, phenomenal proportions for any one person or any government unit to address.

To illustrate, Metro Manila alone generates approximately 12,000 metric tons of solid waste per day or about 4.3 million tons per year. Approximately half of this is generated by household domestic waste while commercial and industrial sources account for 26% of solid waste; the remaining percentage (24%) come from other sources.

In terms of solid waste collection, records show that the 17 cities and towns of Metro Manila spend a total of P1.68 billion pesos a year to get rid of the garbage generated in the metropolis. Despite this huge amount of taxpayers' money, local government units (LGUs) are still unable to collect all of the garbage generated in Metro Manila. Efficiency of collection is estimated at 75% to 85% depending on the location given the varied frequency of collection from area to area. The remaining 15% to 25% of the generated solid waste eventually find their way on the streets, vacant lots and waterways.

Uncollected waste not only produces nuisance to the public but also pose a threat to human health. Accumulated garbage exposes residents to rats, flies, and other disease-carrying organisms. Adverse environmental impacts are also caused by leachates and surface run-off from the exposed waste materials. Other detrimental impacts occur from flooding which results when garbage clogs drains and esteros.

Lack of garbage disposal sites also represent a major problem for all LGUs. All open dumpsites are periodically subjected to closures, while the existing landfill sites, namely Carmona and San Mateo, are expected to reach their maximum capacity within the next 40 months.

If we look closer into the composition of garbage generated in Metro Manila, records would reveal that about 3,000 tons per day is potentially recyclable. Simply put, this means that garbage could possibly be made useful again through the use of appropriate method and/or technology.

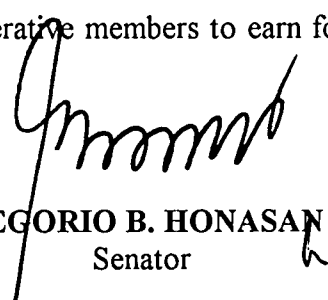
In terms of solid waste recovery or the extraction of materials and/or energy from waste, Metro Manila is estimated at only 18% which is one of the lowest in Southeast Asia. In the case of waste paper, the Philippines has a recovery rate of 16% as compared to Thailand, Singapore and Malaysia which have recovery rates of 33%, 31% and 28%, respectively.

Because of this poor recovery of recyclable wastes, local manufacturing firms rely heavily on imported waste materials in order to meet the demand in the country. A total of 104 million tons of waste plastics, 1.2 billion tons of waste paper, 384 million tons of flat-rolled metal products, and 392 million tons of silica sand amounting to US \$433 million were imported by the Philippines from 1991 to 1995. In short, what could have been "re-use" by our own industries was literally thrown to waste—not to mention the much-needed savings on foreign currencies.

In view of the above-mentioned considerations, it is imperative for LGUs to establish a Comprehensive Solid Waste Management Program to recover wastes generated by residential houses, commercial establishments, industries, institutions, and even agriculture.

This proposed measure hopes to improve waste segregation in the aforesaid coverage especially on non-traditional wastes in every LGU. It also aims to minimize dumping of garbage on streets and waterways in order to reduce volume of garbage brought to dumpsite and/or landfill sites, among others.

Finally, this bill encourages local cooperatives to be at the forefront of such undertaking to attain the goals and objectives herein set forth and allows cooperative members to earn for their livelihood.



GREGORIO B. HONASAN
Senator

'98 JUL 31 P1:20

ELEVENTH CONGRESS OF THE]
REPUBLIC OF THE PHILIPPINES]
FIRST REGULAR SESSION]

RECEIVED BY: _____

SENATE
S. B. No. **960**

INTRODUCED BY SENATOR GREGORIO B. HONASAN

AN ACT
PROVIDING FOR THE ESTABLISHMENT OF A COMPREHENSIVE SOLID WASTE
MANAGEMENT PROGRAM IN EVERY LOCAL GOVERNMENT UNIT,
PROMOTING THEREBY LOCAL COOPERATIVES AND FOR OTHER PURPOSES

Be it enacted by the Senate and the House of Representatives of the Philippines in Congress assembled:

SECTION 1. Title. — This Act shall be known as the “Solid Waste Management Program Act of 1998”.

SEC. 2. Declaration of Policy. —

- a) The State shall ensure the health and well-being of the people through proper solid waste management and sanitation; and
- b) The state recognizes the vital role of local government units, herein referred to as LGUs, in addressing more effectively the problem of solid waste in every locality.

SEC. 3. Definition of Terms. —

- a) **Recycling** — the reuse, retrieval, re-commission of element/matter for any and all purposes necessary to healthful and productive living, the process by which waste materials are transformed into new products in such a manner that the original products may lose their identity.
- b) **Resource recovery** — the extraction of materials or energy from wastes.
- c) **Solid Waste** — this includes anything thrown away, such as garbage, rubbish, trash, litter, junk, and refuse from any source; this is a discarded material with insufficient liquid content to flow.

- d) **Solid waste management** — the purposeful, systematic control of the generation, storage, collection, transport and final disposal of solid waste.
- e) **Zero waste resource management system** — is an ecological method of handling waste that does not degrade the environment nor pollute air, water, and soil, and facilitates their sanitary retrieval, reuse or recycling.

SEC. 4. Coverage. — This Act shall apply to all residential houses; commercial establishments such as hotels, restaurants, cinema houses, public markets, department stores, groceries; institutions like hospitals, schools, churches, public and private offices; industrial establishments like factories, plants and other establishments of any kind; and agricultural areas.

SEC. 5. Program Objectives. —

- a) To improve waste segregation in all residential houses, commercial establishments, industrial establishments and agricultural areas especially non-traditional wastes in every LGU at the municipal/city/provincial level;
- b) To minimize the dumping of garbage on streets and along creeks, esteros, rivers and in other waterways for the volume reduction of garbage brought to the dumpsites and/or landfill sites;
- c) To help improve the social acceptance and living conditions of the junkshop owners and their eco-aiders;
- d) To minimize the importation of waste materials and other recyclable resources;
- e) To reduce the financial allocation among LGUs on garbage collection and disposal;
- f) To extend the useful life of dumpsites and landfill sites;
- g) To lessen the risk of flooding in order to improve the general environmental condition of the community;
- h) To improve the income and living condition of every household with an alternative livelihood;

- i) To eliminate the practice of scavenging in the streets, on the garbage trucks and at the dumpsites; and
- j) To improve the social and health conditions of the eco-aiders and/or itinerant vendors who are considered as one of the major poverty groups.

SEC. 6. *Establishment of a National Solid Waste Recycling Council.* — There is hereby created a National Solid Waste Recycling Council (NSWRC), hereinafter referred to as the Council, which shall be attached to the Office of the President for purposes of administrative supervision.

The council shall be composed of five (5) members who shall be appointed by the President of the Philippines for a term of three (3) years.

Members of the Council shall be appointed on the basis of their integrity, high degree of professionalism and having distinguished himself/herself as an authority in environmental and resource management.

The members of the Council shall serve and continue to hold office until successors shall have been appointed and qualified. Should a member of the Council fail to complete his/her term, the successor shall be appointed by the President of the Philippines, but only for the unexpired portion of the term.

The ranks, emoluments and allowances of the members of the Council shall be in accordance with the Salary Standardization Law and other applicable laws.

SEC. 7. *Executive Director.* — An Executive Director position shall be established by the Council whose tenure shall be permanent and shall act as Secretariat with not more than 20 personnel, as may be determined by the Council. Its staffing pattern and responsibility shall be determined by the Council subject to existing rules and regulations.

SEC. 8. *The Advisory Committee and Its Composition.* — There is hereby constituted an Advisory Committee which shall assist the Council in the formulation of national policies pertaining to this Act and in monitoring its implementation. The Council and the Advisory Committee shall meet at least once every quarter of a year.

The members of the Advisory Committee shall be composed of the following:

- 1) Secretary of the Department of Interior and Local Government (1), as Chairperson;
- 2) Secretary of the Department of environment and Natural Resources (1), as Vice-Chairperson;
- 3) Secretary of the Department of Public Works and Highways (1), as Member;
- 4) Chairmen of the League of City Mayors and Municipal Mayors (2), as Members;
- 5) Chairman of the National Disaster and Coordinating Council (1), as Member;
- 6) Chairman of the Metro Manila Development Authority (1), as Member; and
- 7) Two (2) Representatives, one from a Non-Governmental Organization and one coming from Cooperatives whose undertakings are related to recycling, clean-up and/or rehabilitation of communities and other natural environments.

Whenever any member of the Advisory Committee is unable to attend, he or she shall designate a representative to attend as his or her alternate.

SEC. 9. *Functions of the Council.* — The National Solid Waste Recycling Council shall have the following functions:

- a) To Formulate policies and to recommend plans for the development of a comprehensive solid waste management program among LGUs;
- b) To draw up anti-dumping measures particularly on non-tradition wastes along creeks, rivers and other waterways and assist LGUs in its implementation;
- c) To formulate a resource recovery program in the improvement of the living condition of eco-aiders, itinerant vendors, and other poverty groups;
- d) To encourage the establishment of, and extend livelihood programs to local cooperatives; and

- e) To plan and recommend to the President, for approval, a solid waste disposal system not limited to Metro Manila but also throughout the major urban centers.

It shall likewise be responsible for the identification of dumpsites and landfill sites, in coordination with the affected LGU, for effective and efficient use.

SEC. 10. *Establishment of a Multi-Purpose Environment Cooperative in Every LGU.*— Multi-purpose environment cooperatives shall be encouraged and promoted in every LGU to execute and oversee solid waste management in their areas. They shall be responsible for the fulfillment of a zero-waste resource management system.

SEC. 11. *Capital Fund for Local Cooperatives.* — The Land Bank of the Philippines shall be encouraged to set aside seed capital, with the support from other private companies and institutions, and shall serve as the main depository. It shall be responsible for the evaluation and approval of loans and/or grants to Local Cooperatives.

SEC. 12. *Establishment of a Municipal/City/Province Recycling Program.* — In accordance with this Act, a Municipal Recycling Program for every municipal/city/provincial is hereby established to generate maximum participation among the respective residents in the area.

An education-information campaign on such program shall be launched in every area of responsibility in coordination with the concerned LGU officials.

SEC. 13. *Appropriations.* — For the initial operating expenses of the Council, the amount of Twenty Million pesos (P20,000,000.00) is hereby appropriated. Thereafter, it shall submit to the Department of Budget and Management its proposed budget for inclusion in the General Appropriations Act.

SEC. 14. *Implementing Rules and Regulations.* — Within sixty (60) days immediately after appointment, the Chairman shall issue the necessary rules and regulations for the effective implementation of this Act.

SEC. 15. *Repealing Clause.* — All laws, decrees, executive orders, presidential proclamations, rules and regulations or parts thereof contrary to or inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SEC. 16. *Separability Clause.* — If any provision of this Act is declared unconstitutional, the same shall not affect the validity and effectivity of the other provisions thereof:

SEC. 17. *Effectivity.* — This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in at least two (2) newspapers of general circulation.

Approved,

'98 OCT 16 AM 1:54

Eleventh Congress of the Republic)
of the Philippines)
First Regular Session)

RECEIVED BY: 6

SENATE

S.B. No. 1277

Introduced by Senator Teresa Aquino-Oreta

EXPLANATORY NOTE

Environmental protection is a major policy concern of government and a continuing challenge to communities in the Philippines. Growth in population and economic activities in urban centers contribute to increasing volumes of garbage and solid waste, and thus, the further deterioration of the environment.

A survey of the Japan International Cooperation Agency (April 1997) recorded that during the dry season in Metro Manila alone, domestic waste generation rate is estimated at 5,507 tons per day, consisting mostly of kitchen waste, paper, plastic, grass and wood, and metal. The Presidential Task Force on Waste Management also noted that by the year 2014, domestic waste in the metropolis is estimated to reach 0.70 kilograms per capita per day or 11,705 tons per day. These estimates do not include mining, agricultural, and industrial solid wastes, hazardous wastes, sludges, construction and demolition waste, and infectious waste.

Of the 5,507 tons of garbage and solid waste generated daily in Metro Manila, only 69% are disposed at disposal facilities, 21% are dumped illegally, 6% are self-disposed, and 4% are recycled. The situation is worse in squatter areas where garbage and waste are not collected properly.

Uncollected garbage and solid waste are often burned or dumped into nearby spaces, bays, rivers, vacant lots, creeks, and storm drainage, which consequently compromise the environment and the public health. Already the metropolis is experiencing the results of improper waste disposal practices with frequent flooding, diseased marine life, pollution of air and water, degradation of land, outbreak of sanitation and health problems, among others.

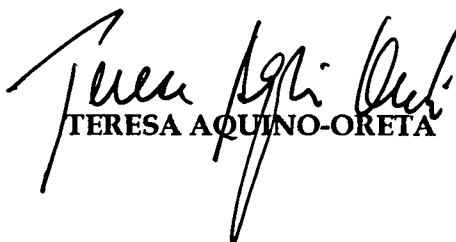
The problem is not limited to the collection of garbage and solid waste, but to its final disposal as well. To illustrate the magnitude of the problem, Metro Manila, with its 9.5 million

population, disposes its waste in four (4) sites - the open dump sites in Payatas and Catmon, and the landfills in Carmona and San Mateo. The closure of the Carmona landfill in March 1998 is expected to impact heavily on the capacity and life span of the other disposal sites. Moreover, the projected closure of the San Mateo landfill in 2004, as well as the open dump sites in Payatas and Catmon in the near future, is envisioned to aggravate further the alarming waste crisis in the metropolis.

The pattern of garbage and solid waste practices in Metro Manila may very well mirror the situation in other major cities in the country. Local Government Units (LGUs), which have been given greater responsibilities in the management of their environment, are in the best position to respond to this concern today. Their leadership and political will toward solid waste management improvements is fundamental in improving and enhancing community participation to address garbage and solid waste concerns.

As we may have learned from the experience of Metro Manila, the necessity of advance planning and the projection of requirements for effective solid waste management is an essential requirement in ensuring the effective implementation of the solid waste management program. Our experiences have likewise shown that public support and cooperation are necessary in this undertaking. Policies and plans merely provide the environmental framework, but not the critical and essential elements to make the program work. The cooperation and participation of community members, on the other hand, provide the inertia and energy to sustain any development initiative. It is, therefore, imperative that in establishing and implementing an effective solid waste management program, appropriate incentives and mechanism for consultation, cooperative engagement, and monitoring are in place.

With the increase in the population of the Philippines, the volume of solid waste generation is expected to increase. The management of solid waste is a reality that has to be addressed because of its lasting impact on the environment, and ultimately, on the well being of the Filipino people. The importance of an efficient and properly-managed garbage and solid waste disposal program, which recognizes and integrates community participation, cannot be overemphasized. Hence, the prioritization and early approval of this Act to establish a solid waste management program for the Philippines is enjoined.


TERESA AQUINO-ORETA

98 OCT 16 AM 54

Eleventh Congress of the Republic)
of the Philippines)
First Regular Session)

RECEIVED BY: 6

SENATE
1277
S.B. No. _____

Introduced by Senator Teresa Aquino-Oreta

AN ACT
INSTITUTING A NATIONAL SOLID WASTE MANAGEMENT PROGRAM,
ESTABLISHING THE NATIONAL SOLID WASTE BOARD AND THE NECESSARY
MECHANISMS AND INCENTIVES, AND APPROPRIATING FUNDS THEREFOR, AND
FOR OTHER PURPOSES

Be it enacted by the Senate and the House of Representatives in Congress assembled:

SECTION 1. *Title.* - This Act shall also be known and cited as the "Solid Waste Management Act of 1998".

SECTION 2. *Declaration of Policy.* - In consonance with the constitutional provision protecting and advancing the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature, the following policies are hereby adopted:

- (a) The full participation of the public and the local government units shall be a principal strategy in the enforcement of laws and policies to encourage, promote, and stimulate technological, educational, economic, and social efforts in the protection of the environment;
- (b) The management of solid waste shall be given priority as a means to ensure the quality of public health and the sustainability of the environment;
- (c) The State shall undertake measures to promote the stake of communities and the general public in the over-all effort to develop and implement an effective solid waste management program;
- (d) The State shall pursue an integrated solid waste management program that is designed to recycle or dispose waste at the lowest possible cost and risk to the health of the people and their environment; and
- (e) Enhance private sector investment in solid waste management projects.

- (f) "Storage" refers to the interim containment of solid waste after generation and prior to collection for ultimate recovery or disposal.
- (g) "Disposal Site" refers to the site at which the solid waste are finally discharge.
- (h) "Waste Management Facility" refers to a facility that collects, separates, stores, transports, transfers, treats, processes, combust, or disposes of municipal solid waste.
- (i) DENR refers to the Department of Environment and Natural Resources.

SECTION 5. *Authority to Transport.* - The City or Municipal Governments shall exercise authority to control and direct the movement of solid waste or recyclable material voluntarily relinquished by the owner or generator of the material, that is generated within its geographic and political boundaries, to a designated waste management facility or facility for recyclable materials. This authority shall extend only to specific categories of solid waste as defined in Section 4 of this Act.

SECTION 6. *Provincial Solid Waste Board.* - A Provincial Solid Waste Board shall be established in every province in the country, to be chaired by the Governor, or in the case of Metro Manila, by the Chairperson of the Metro Manila Development Authority. Its members shall include all the mayors of its component cities and municipalities, one representative from the Sangguniang Panlalawigan, to be nominated by the presiding officer, and two representatives from the non-government sector, to be chosen by the members of the Board. In the case of Metro Manila, there shall be one representative from each of the Sangguniang Panlungsod and Sangguniang Bayan of its component cities and municipalities.

The Provincial Solid Waste Board shall have the following functions and responsibilities:

- (a) Develop an Integrated Provincial Solid Waste Management Plan from the submissions of the respective City and Municipal Solid Waste Boards as provided for in Sec. 8 of this Act. In the process, it shall review all the submissions of all its component cities and municipalities and ensure that the various submissions complement each other, including the Plans covering the transfer and processing of solid waste and the establishment of disposal sites in its component cities and municipalities. The Integrated Provincial Solid Waste Management Plan shall be submitted to the DENR for accreditation.

A Provincial Solid Waste Management Plan shall also be prepared to serve as the foundation for the preparation of an Integrated Provincial Solid Waste Management Plan. This would reflect the general program of action and initiatives of the provincial government in implementing a solid waste management program that would support the various initiatives of its component cities and municipalities. This plan shall be presented to the Provincial Solid Waste Board for consultation purposes and to ensure the integration of the various concerns and initiatives of the component cities and municipalities. Pending the completion of an Integrated Provincial Solid Waste Management Plan, as provided for in subsection (a) of this Section, this plan shall be submitted to the Department of Environment and Natural Resources for certification. The Provincial Solid Waste Management Plan and the Integrated Provincial Solid Waste Management Plan shall have the elements as defined in Section 9 of this Act.

- (b) Provide the necessary logistical and operational support to its component cities and municipalities in consonance with subsection (f) of Section 17 of the Local Government Code. This is intended to ensure the effective, efficient, and sustained implementation of the Integrated Provincial Solid Waste Management Plan.
- (c) Recommend measures and safeguards against pollution and for the preservation of the natural ecosystem in the province and its component cities and municipalities in consonance with the duly approved Solid Waste Management Plans.
- (d) Recommend measures which are aimed at generating resources for the funding and implementation of projects and activities as specified in the duly-accredited Solid Waste Management Plans of its component cities and municipalities.
- (e) Coordinate the efforts of the component cities and municipalities in the implementation of the Integrated Provincial Solid Waste Management Plan.
- (f) Develop appropriate incentives as an integral component of the Integrated Provincial Solid Waste Management Plan.
- (g) Convene Joint Meetings of the Provincial, City and Municipal Solid Waste Boards at least every quarter for purposes of integrating, synchronizing, monitoring, and evaluating the development and implementation of its Integrated Provincial Solid Waste Management Plan.
- (h) Represent any of its component city or municipality in coordinating its resource and operational requirements with agencies of the national government.

SECTION 7. *Regional Planning and Development Boards of the Autonomous Regions.* - The Regional Planning and Development Boards of the Autonomous Regions shall review and integrate the Solid Waste Management Plans to be developed by their respective component provinces, cities, and municipalities into their respective Comprehensive Development Plans..

The Regional Planning and Development Boards in these autonomous regions shall likewise recommend to their respective legislative assemblies appropriate funding support and incentives for the implementation of the Solid Waste Management Plans developed by their respective component cities and municipalities.

SECTION 8. *City and Municipal Solid Waste Management Board.* - Each city or municipality shall form a City or Municipal Waste Board that shall prepare, submit, and implement a plan for the safe and sanitary management of solid waste generated in areas under its geographic and political coverage.

The City or Municipal Solid Waste Management Board shall be composed of duly elected representatives of the local government units. It shall be headed by the city or municipal mayor, and will have as members one (1) representative of the Sangguniang Panlungsod or the Sangguniang Bayan who will be designated by the Presiding Officer, and all the Barangay Captains of its component Barangays.

The City and Municipal Solid Waste Management Boards shall have the following duties and responsibilities:

- (a) Develop a 10-year City or Municipal Solid Waste Management Plan that shall ensure the long-term management of solid waste, as well as integrate the various solid waste management plans and strategies of the Barangays in its area of jurisdiction. In the development of the Solid Waste Management Plan, it shall conduct consultations with the members of the community through the facilities and officials of the Barangay. In no case shall a plan be submitted by the City or Municipal Solid Waste Board to the Provincial Solid Waste Board nor to the Department of Environment and Natural Resources without proper certifications from the Barangay Chairpersons of its component Barangays, attesting to the conduct of consultations and hearings on the pertinent provisions of the proposed plan;

- (b) Recommend measures to the Sangguniang Bayan or the City Council to promote and ensure the viability and effective implementation of solid waste management program in its component Barangays;
- (c) Monitor the implementation of the City or Municipal Solid Waste Management Plan through its various political subdivisions and in cooperation with the private sector and the non-government organizations;
- (d) Recommend specific revenue-generating measures to promote the viability of its Solid Waste Management Plan;
- (e) Develop a plan of action for the application of and maximization of the incentive scheme as provided for in Section 12 of this Act;
- (f) Convene regular meetings for purposes of planning and coordinating the implementation of the Solid Waste Management Plans of the respective component Barangays;
- (g) Review the City or Municipal Solid Waste Management Plan for purposes of ensuring its sustainability, viability, effectiveness and relevance in relation to local and international developments in the field of solid waste management;
- (h) Develop the specific mechanics and guideline for the implementation of the City or Municipal Solid Waste Management Plan; and
- (i) Recommend to appropriate local government authorities specific measures or proposals for franchise or build-operate-transfer agreements with duly recognized institutions to provide the exclusive or non-exclusive authority for the collection, transfer, storage, processing, recycling or disposal of municipal solid waste. The proposals shall take into consideration appropriate government rules and regulations on contract, franchise, and build-operate-transfer agreements.

SECTION 9. *The Elements of the City or Municipal Solid Waste Management Plan.*

- The 10-year City or Municipal Solid Waste Plan shall ensure the efficient management of solid waste or recyclable materials generated within the boundaries of the city or municipality. It shall be updated every three (3) years by the City or Municipal Solid Waste Board.

The City or Municipal Solid Waste Management Plan (SWMP) shall contain the following components:

- (a) Municipal Profile. - indicating the following background information on the city or municipality and its component Barangays, covering important highlights of the distinct geographic and demographic conditions, projected waste generation

covering a 10-year period, and existing facilities and equipment for solid waste management. The profile shall be broken down as follows:

- 1) estimated population of each barangay within the city or municipality and population projections on the 10-year period covered by the Plan;
 - 2) illustration or map of the city/municipality, indicating locations of residential centers, commercial, industrial centers, as well as dump sites, landfills, and waste recycling and processing sites with the city/municipality. The illustration will indicate, as well, the proposed sites for disposal and processing of solid waste, and other projected developments in the area within a 10-year period;
 - 3) estimated solid waste generated by source, such as, residential, market, commercial, industrial, construction/demolition, street waste, institutional, other waste; and
 - 4) inventory of existing waste disposal, management, and processing facilities.
- (b) Collection. - taking into account the geographic subdivisions to define the coverage of the waste collection area in every Barangay. The Barangay shall be responsible for ensuring that a 100% collection efficiency in residential, commercial, and industrial establishments within its area of coverage is achieved. Toward this end, the Plan shall define and identify the specific strategies and activities to be undertaken by its component Barangays for the efficient collection of solid waste in their respective areas of coverage, taking into account the following concerns:
- 1) availability and provision of containers or receptacles in selected collection points for the temporary storage of solid waste while awaiting collection for transport to processing sites or to final disposal sites;
 - 2) segregation of different types of solid waste for processing or recycling;
 - 3) hauling and transfer of solid waste from source or collection points to processing sites or final disposal sites;
 - 4) issuance and enforcement of ordinances to effectively implement a collection system in the Barangay; and
 - 5) provision of properly trained officers and workers to handle solid waste disposal.

- (c) Transfer. - defining and specifying the methods and system for the transfer of solid waste from specific collection points in the areas covered by the Plan. The hauling and transfer facilities shall likewise be defined in the Plan.
- (d) Processing. - defining the methods and the facilities required to process the solid waste; including the use of intermediate treatment facilities for incineration, composting, recycling, conversion, and other waste processing systems. Other appropriate waste reduction technologies may also be considered provided that such technologies conform with the minimum acceptable international standards and the standards set by DENR.
- (e) Final Disposal. - identifying existing and proposed disposal sites and waste management facilities in the city or municipality or in other areas. The Plan shall specify the strategies for the efficient disposal of waste through existing disposal facilities and the identification of prospective sites for future use. The selection and development of disposal sites shall be made on the basis of internationally accepted standards and on the guidelines issued by DENR.

Strategies shall be included to improve said existing sites to lessen its impact on health and the environment, and to extend its life span and capacity. The Plan shall clearly define projections for future disposal site requirements and the estimated cost for these efforts.

Open dump sites will not be allowed as final disposal sites. If an open dump site is existing within the city or municipality, the Solid Waste management Plan shall make provisions for its closure or eventual phase out within a 5-year period. As an alternative, sanitary landfill sites shall be developed and operated as a final disposal site for solid waste. Sanitary landfills shall be designed, taking in consideration the effects of gaseous emissions and untreated seepage on the environment.

- (f) Waste Reduction. - defining the strategies in reducing the volume of solid waste generated at source in the city or municipality. It shall specify how such strategies are to be implemented and the resources that are necessary to carry out such activities. Other appropriate waste reduction technologies may also be considered, provided that such technologies conform with the standards imposed by existing laws and regulations. The waste reduction activities of the community shall also take into account, among others, local capability, economic viability, technical requirements, social concerns, disposition of residual waste, and environmental

impact. Projection of future facilities needed and estimated cost shall be incorporated in the Plan.

- (g) Management of Restricted and Household Hazardous Waste. - defining the strategies and measures to be adopted to manage restricted waste such as yard waste, lead acid batteries, and tires.
- (h) Recycling. - establishing a recycling goal of 25 percent for household and commercial waste and 50 percent for industrial waste is hereby established for adoption in the Solid Waste Management Plan of all cities and municipalities. The Solid Waste Management Plan shall indicate the specific measures to be undertaken to meet the recycling goals specified herein.
- (i) Public Participation. - the cooperation and involvement of citizens shall be the primary strategy in the implementation of the National Solid Waste Management Program. The Solid Waste Management Plans shall identify specific measures to enhance community participation in the implementation of the activities for effective solid waste management. The promotion of public health shall be a valuable tool to gain public endorsement.
- (j) Privatization of Solid Waste Management Projects. - the Plan shall likewise indicate specific measures to promote the participation of the private sector in the management of solid wastes, particularly in the generation and development of the essential technologies for solid waste management. Specific projects or component activities of the Plan which may be offered as private sector investment activity shall be identified and promoted as such. Appropriate incentives for private sector involvement in solid waste management shall likewise be established and provided for in the plans, in consonance with established laws, policies, and regulations.
- (k) Information Dissemination. - the Solid Waste Management Plan shall make provisions to ensure that information on waste collection services, solid waste management, and related health and environmental concerns, are widely disseminated among the public. This shall be undertaken through the print and broadcast media and other government agencies in the municipality. The Department of Education, Culture, and Sports, and the Commission for Higher Education shall ensure that waste management shall be incorporated in the curriculum of primary, secondary, and college students.
- (l) Schedule of Implementation. - providing a timetable for the implementation of the solid waste management program.

(m) Resource Requirements. - indicating specific projects, activities, equipment, and technological requirements, for which outside sourcing of funds or materials may be necessary to carry out the specific components of the Plan. It shall define the specific uses for its resource requirements and indicate its costing. The Plan shall likewise indicate how the province, city, or municipality intends to generate the funds for the acquisition of its resource requirements. It shall also indicate if certain resource requirements are being or will be sourced from grants, donation, local funding, and other means. This will serve as basis for the determination and assessment of incentives which may be extended to the province, city, or municipality as provided for in Section 12 of this Act.

SECTION 10. *Accreditation.* - The City or Municipal Solid Waste Board shall submit its Solid Waste Management Plan to the Provincial Solid Management Waste Board as provided for in Section 6 of this Act except those of Chartered Cities which shall submitted directly to the DENR. Upon its review and certification by the Provincial Solid Waste Board, the same shall be submitted by the City or Municipal Solid Waste Board to the Department of Environment and Natural Resources for accreditation. Within thirty (30) days upon receipt of the proposed Solid Waste Management Plan, the DENR shall come up with a definitive decision or action, either accrediting or returning the proposed plan for further revisions, in accordance with the established standards.

An accreditation will be issued within the prescribed period upon a determination of the Plan's completeness and conformity with the minimum standards and guidelines established by DENR for this purpose. The Plan, on the other hand, will be returned to the City or Municipal Solid Waste Board, if it is determined to be deficient or not in accordance with the guidelines and standards duly-established by DENR. The returned Plan shall be revised accordingly and further consulted with the members of the community through the facilities of the Barangay, prior to its submission to the Provincial Solid Waste Board for notation. The same shall be submitted by the City or Municipal Solid Waste Board to the DENR for review and accreditation.

Solid Waste Management Plans which have been duly-accredited by the DENR shall be disseminated to the public, particularly to the members of the community. The facilities of the provincial, city or municipal government and the Barangay shall be utilized for purposes of information dissemination.

Plans which have been updated in accordance with the review provisions as stated in Section 9 of this Act shall be subject to the usual accreditation process as provided for in this Act.

SECTION 11. *National Solid Waste Management Board.* - A National Solid Waste Management Board shall be established under the DENR to assess the implementation of solid waste management programs in various municipalities and to develop and prescribe policies to achieve the objectives of this Act. It shall undertake the following activities:

- (a) Set the standards and guidelines for the formulations and implementation of the national and local solid waste management plans;
- (b) Develop the rules, regulations, and guidelines for the accreditation of Solid Waste Management Plans to be submitted by the various provinces, cities and municipalities;
- (c) Set the criteria/guidelines for the siting, design, operation, and maintenance of solid waste management facilities in the country;
- (d) Develop a mechanism for the imposition of sanctions for the violation of environmental rules and regulations;
- (e) Develop and prescribe procedures for the issuance of appropriate permits and clearances;
- (f) Provide advice to the City or Municipal Solid Waste Management Boards on the development and implementation of their solid waste management programs;
- (g) Review the Incentives Scheme for Effective Solid Waste Management as defined in this Act, for purposes of ensuring relevance and efficiency in achieving the objectives of this Act;
- (h) Develop the guidelines for and implement the Incentives Scheme established in this Act;
- (i) Formulate policy recommendations and prescribed a general criterion on solid waste management;
- (j) Monitor and evaluate the implementation of solid waste management program in every city or municipality through the regional and provincial offices of DENR.

The National Solid Waste Management Board shall be chaired by the Secretary of Environment and natural Resources and shall have the following agencies as members:

- (a) Department of Interior and Local Government

- (b) Department of Science and Technology
- (c) Department of Finance
- (d) Department of Education, Culture, and Sports
- (e) Department of Public Works and Highways
- (f) Department of Health
- (g) Commission on Higher Education
- (h) Philippine Information Agency
- (i) Two representatives from non-government organizations which promotes sustainable development agenda, to be chosen and designated by the government agency representatives of the Board.

The representatives of the subject government agencies to the Board shall be no lower than an Assistant Secretary or its equivalent rank.

The Department of Environment and Natural Resources shall provide secretariat support to the National Solid Waste Management Board.

SECTION 12. *Incentives Scheme.* - An Incentive Scheme for Effective Solid Waste Management is hereby established for the purpose of developing the internal capacities of cities and municipalities toward actively participating in the program for effective and sustainable solid waste management.

For this purpose, a Solid Waste Management Fund is hereby established as part of the Incentive Scheme. This shall be derived yearly in the form of an allotment of internal revenue taxes for solid waste management initiative, equivalent to one percent (1%) of the national internal revenue taxes based on the collection of the third fiscal year preceding the current fiscal year, to be released to the National, Solid Waste Management Board. The releases in the form of grants, which shall be made by the National Solid Waste Management Board to local government units, shall be in addition to the allotment of Internal Revenue Taxes to Local Government Units as defined in Section 284 of the Local Government Code.

For the current year, an amount of Fifty Million Pesos (P50,000,000.00) shall be allocated from the earnings of PAGCOR to serve as an initial funding for the Incentives Schemes as established in this Act. Thereafter, funding for the Incentives Scheme shall be derived as earlier defined.

The Incentives Scheme and the Fund shall be managed by the National Solid Waste Board and shall be used exclusively as grants to cities and municipalities whose Solid Waste Management Plans have been duly-accredited by the DENR. These grants shall be released directly by the National Solid Waste Board to the cities or municipalities whose Solid Waste Management Plans have been accredited. These grants may be allocated by the city or the municipality to fund any or all of the following activities or expenses:

- (a) To purchase or finance, whether in whole or in part, the acquisition of technology or facilities to carry out the objectives and strategies as specified in the Plan;
- (b) To train users of technology for solid waste management;
- (c) To implement community education or public information initiatives as provided for in the Plan;
- (d) To finance the training of city or municipal employees in environmental management;
- (e) To purchase equipment and other materials which will be used in the implementation of the Solid Waste Management Plan;
- (f) To finance community-related programs or projects that are in support to the implementation of the Solid Waste Management Plan; and
- (g) To finance community incentive program to heighten public participation in the solid waste management program of the city or municipality.

The National Solid Waste Management Board shall establish the necessary rules and regulations governing the implementation of the Incentives Scheme as defined in this Act. The rules and conditions governing the extension of grants to provinces, cities, and municipalities shall be developed by the National Solid Waste Management Board.

Application for grants as authorized in this Section shall be made by Local Government Units on the basis of their accredited Solid Waste Management Plans. Local Government Units whose Plans have yet to be submitted or accredited, will not qualify for grants as provided for in this Act.

SECTION 13. *General Guidelines for Duty-Free Importation of Solid Waste Management Technology.* - The following general guidelines are hereby prescribed in consonance with this Act:

- (a) Donations of equipment or technology to promote effective solid waste management by appropriate Local Government Units shall be encouraged,

provided that the same shall conform with the acceptable international standards and locally-established regulations. In this connection, duty-free importation of donated equipment or technology by Local Government Units, as defined herein shall be authorized, subject to conformance with standards to be set by DENR.

- (b) The City and Municipal Solid Waste Management Boards, through their respective City or Municipal Mayors, may avail of duty-free importation privileges of equipment, technology, and other materials for solid waste management only if they have acquired accreditation for their respective Solid Waste Management Plans, as provided for in this Act. The absence of such accreditation will not allow local government units concerned to avail of the facility and privilege as provided for in this Act. On the other hand, local government units with no accredited Solid Waste Management Plan may apply for duty-free privileges for such importation through the duly-established channels and procedures as provided for by the Department of Finance and the National Economic and Development Authority. In the case of the Provincial Solid Waste Management Board, they may likewise avail of the duty-free importation privileges as provided for in this Act through the Office of the Governor upon certification by the DENR of its Provincial Solid Waste Management Plan or upon accreditation of its Integrated Provincial Solid Waste Management Plan as provided for in subsection (b) of Section 6 of this Act.
- (c) Donated equipment or technology which will be allowed duty-free entry as authorized under this Act shall be included as among the items exempted from value added tax as provided for in Republic Act No. 7716.
- (d) A system for monitoring and evaluation of subject donations shall be duly-established by the Inter-agency Coordinating Committee as established in this Act.
- (e) The donated equipment shall be determined to be in working and serviceable condition and applicable to local conditions, prior to the issuance of a deed of acceptance by the Philippine Government, through the Philippine Embassies and Consulates.
- (f) Only equipment or technology and other materials which are necessary for the implementation of the accredited solid waste management plans of local government units will be allowed duty-free entry.
- (g) The duty-free importation of donated equipment and other technology to be utilized in the implementation of the accredited Solid Waste Management Plans shall be allowed if budgetary provisions are made available by the local government unit concerned for the maintenance and operating expenses of subject equipment.

- (h) No duty-free importation of donated equipment or technology will be allowed if subject importation involves equipment or technology whose use has been banned in other countries.
- (i) No duty-free importation will be allowed in instances where importation of significant volume of the same equipment or technology will cause undue harm to local industries.
- (j) The cost of shipment and other incidental expenses resulting from the importation of donated equipment, technology, or materials shall not be sourced from grants herein authorized or from other funding sources from the national government.

SECTION 14. *Funding and Appropriations.* - The amount of Two Million Pesos (P2,000,000,000.00) shall be allocated for the initial operating expenses of the National Solid Waste Management Board as indicated in this Act. Succeeding appropriations shall be incorporated in the general appropriations of the agencies concerned.

SECTION 16. *Implementing Rules and Regulations.* - The Department of Environment and Natural Resources and the appropriate Boards and Committees identified herein shall, within sixty (60) days upon the effectivity of this Act, formulate the necessary rules and regulations for its effective implementation.

SECTION 17. *Repealing Clause.* - All laws, decrees, orders, rules and regulations or parts thereof which are inconsistent with this Act are hereby repealed or amended accordingly.

SECTION 18. *Separability Clause.* - If, for any reason, any section or provision of this Act is held invalid or unconstitutional, the other sections or provisions shall not be affected and shall continue to be operative.

SECTION 19. *Effectivity.* - This Act shall take effect after fifteen (15) days from its publication in the Official Gazette or in at least two (2) national newspapers of general circulation.

Approved,

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ELEVENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
First Regular Session)

'98 AUG 10 P2:21

RECEIVED BY: 6

SENATE
S.B. No. 1042

Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

The urgent need to accelerate the country's development is not a justification to neglect the need to conserve the natural resources of our nation. It is true that the natural resources of the Philippines are abundant. However, to totally disregard conservation at this time is detrimental, because every careless use of our resources reduces the net benefit to the people and the environment.

The recycling and the utilization of recycled materials complement efficient utilization and conservation of our natural resources. This bill seeks to require educational institutions to recycle and to use recycled paper.

Miriam Defensor Santiago
MIRIAM DEFENSOR SANTIAGO

ELEVENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
First Regular Session)

'98 AUG 10 P2:21

RECEIVED BY: 6

SENATE
S.B. No. 1042

Introduced by Senator Miriam Defensor Santiago

**AN ACT
REQUIRING THE RECYCLING AND THE UTILIZATION OF RECYCLED
MATERIALS BY EDUCATIONAL INSTITUTIONS**

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

SECTION 1. *Short Title.*- This Act shall be known as the "Recycle Waste Act."

SECTION 2. *Declaration of Policy.*- It is a declared policy of the State to conserve natural resources by recycling paper and other waste materials.

SECTION 3. *Definition of Terms.*- For purposes of this Act, the terms:

(A) "Schools" mean all schools, whether public or private, colleges, universities, and other learning and educational institutions, including all state colleges and universities;

(B) "Department" refers to the Department of Environment and Natural Resources;

(C) "Secretary" refers to the Secretary of the Department of Environment and Natural Resources.

SECTION 4. *Requirement for the Use of Recycled Paper.*- Except as provided for in the succeeding section, all schools shall use paper and other materials containing at least fifteen percent (15%) recycled material, in all their projects, activities, and ventures.

SECTION 5. *Exceptions.*- The failure of the schools to comply with the requirement of this Act shall not be considered a violation of this Act, if:

(A) the recycled materials are not reasonably available within a reasonable period of time; or

(B) the recycled materials are available only at an unreasonable price.

Provided further that, those schools, which failed to comply with the requirement set forth in Section 4 of this Act, shall notify the Department, specifying the reason(s) for their failure to do so.

The Secretary shall publish a list of schools which failed to comply with the requirements of this Act.

SECTION 6. *Mandatory Recycling of Paper and Other Materials.*- It shall be mandatory for all schools to recycle paper and other materials, or to make paper and other wastes available for recycling.

SECTION 7. *Technical Assistance.*- For purposes of assisting the schools in complying with the provisions of this Act, the Department shall provide technical assistance and guidance to the schools on recycling methods and opportunities.

SECTION 8. *Inclusion in the Curriculum.*- The Department of Education, Culture, and Sports, and the Commission on Higher Education, in coordination with the Department of Environment and Natural Resources, shall include a subject in the curriculum of schools which tackles the advantages of recycling and the ways and means to recycle all kinds of wastes. In case the inclusion of the subject in the curriculum is not feasible, the Department of Education, Culture, and Sports, and the Commission on Higher Education, may recommend the option to include the matter of recycling of wastes, in any existing and related subject.

SECTION 9. *Recycling Program.*- The Department, within two (2) years after the effectivity of this Act, shall develop and implement a comprehensive multi-material recycling program. The recycling program shall include but is not limited to the following:

(A) The determination and separation of recyclable materials from other wastes. The types of recyclable material shall include metal cans, glass bottles and jars, paper, used tires, and plastic materials;

(B) The establishment of proven approaches in separation and collection of recyclable materials;

(C) The establishment of local or regional drop-off centers for recyclable materials;

(D) The development of campaign which will encourage the protection of the environment and the natural resources.

SECTION 10. *Information Campaign.*- The Department shall establish a comprehensive and sustained public information and education program concerning recycling methods and opportunities.

SECTION 11. *Rules and Regulation.*- The Department, in coordination with the Department of Education, Culture, and Sports, and the Commission on Higher Education, shall promulgate the necessary rules and regulations to carry out the purpose of this Act within six (6) months after its effectivity.

SECTION 12. *Penalty.*- Any violation of this Act shall be punished with a fine of not less than P10,000.00 or imprisonment of one (1) year, or both, at the discretion of the court. If the offense is committed by a corporation, trust, firm, partnership or association or other entity, the penalty shall be imposed upon the guilty officer or officers of such corporation, trust, firm, partnership or association or entity.

SECTION 13. *Appropriation.*- To carry out the provisions of this Act, such sum as may be necessary is hereby authorized to be appropriated from the National Treasury. Thereafter, the sum necessary for the continuous operation of the programs shall be included in the annual appropriation of the Department of Environment and Natural Resources.

SECTION 14. *Separability Clause.*- If any provision, or part hereof, is held invalid or unconstitutional, the remainder of the law or the provision not otherwise affected shall remain valid and subsisting.

SECTION 15. *Repealing Clause.*- Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule or regulation contrary to or inconsistent with, the provisions of this Act is hereby repealed, modified or amended accordingly.

SECTION 16. *Effectivity Clause.*- This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved.

DT
3 August 1998

ELEVENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
First Regular Session)

'98 AUG -3 P4:02

SENATE

RECEIVED BY: 6

S. No. 991

Introduced by Senator REVILLA

EXPLANATORY NOTE

As a result of our country's push for Industrialization, our industrial, commercial, and agricultural sectors operation have resulted in tremendous increase of the volume of scraps and other waste materials. The continuing technological progress in methods of manufacturing, packaging, and marketing of consumer products have also resulted in an ever-mounting increase of materials discarded by the Filipino consumers.

However, the inadequate and environmentally unsound practices for the disposal or even recycling of solid waste have created problems of air and water pollution as evidenced by the recent fishkills in Manila and Laguna de Bay areas, and remotely as the cause of the Red Tide Menace.

In the same instance, tons of recoverable materials which could be used are needlessly buried. Solid waste also represents a potential source of fuel, oil or gas that can be converted to energy or an alternative energy source in order to reduce the country's dependence on such costly imported petroleum products.

Not so long ago, ecosystem management was a topic of concern only to a handful. Today, the problem of waste management has such devastating effect, that we must begin to strictly enforce the law if we intend to keep an environment that is clean, healthy and free from hazards of the improper disposal of waste.

It is not only in the area of economic growth that our country has been left behind by our ASEAN neighbors. Ours is a country where filth and waste are seen everywhere. It has caused floods and sicknesses, and it has given this nation an image that is undersirable.

We must begin to re-awaken the Filipinos to a cleaner, healthier surrounding. We cannot afford to take our own sweet time. We must act now.

It is with this view that immediate approval of this bill is earnestly recommended.


RAMON B. REVILLA
Senator

ELEVENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
First Regular Session)

'98 AUG -3 P4:02

SENATE RECEIVED BY: 6

S. No. 991

Introduced by Senator REVILLA

AN ACT
PROVIDING FOR A COMPREHENSIVE SOLID WASTE MANAGEMENT
PROGRAM, DECLARING CERTAIN ACTS PROHIBITED, PROVIDING
PENALTIES THEREFOR, AND FOR OTHER PURPOSES

*Be it enacted by the Senate and House of Representatives of
the Philippines in Congress assembled:*

1 SECTION 1. *Short Title.* - This Act shall be known
2 and referred to as the "Solid Waste Management Act of
3 1998".

4 SEC. 2. *Declaration of Policies.* - It is hereby
5 declared the policy of the State to adopt a systematic and
6 comprehensive national solid waste management program which
7 will:

8 a) utilize environmentally-sound methods that
9 maximize the utilization of valuable resources and encourage
10 resource conservation;

11 b) set guidelines for solid waste volume reduction
12 through waste minimization measures, including recycling,
13 reuse, recovery and others, before collection, treatment and
14 disposal in appropriate solid waste disposal sites;

15 c) ensure the proper collection, transport, treatment
16 and disposal of solid waste through the formulation
17 and adoption of minimum national standards for solid waste
18 treatment and disposal;

19 d) retain primary enforcement responsibility of solid
20 waste management with the local government units while
21 encouraging relevant cooperative activities between the

1 government agencies, non-government organizations (NGO's)
2 and the private sector;

3 e) strengthen the integration of solid waste
4 management and resource conservation and recovery in the
5 school curricula in order to promote an environmental
6 awareness and action among citizenry.

7 SEC. 3. *Definition of Terms.* - For the purposes of this
8 Act:

9 a) Composting - shall refer to the controlled
10 decomposition of organic matter by micro-organisms, mainly
11 bacteria and fungi, into a humus-like product.

12 b) Department - shall refer to the Department of
13 Environment and Natural Resources.

14 c) Government Agencies - shall refer to national,
15 local and regional agencies and instrumentalities, including
16 government-owned and controlled corporations.

17 d) Leachate - shall refer to liquid that has
18 percolated through solid waste or other matter and has been
19 separated from dissolved or suspended materials.

20 e) Open Dump - shall refer to any site other than a
21 sanitary landfill where solid waste is thrown or disposed
22 of.

23 f) Person(s) - shall refer to any being, natural or
24 juridical, susceptible of rights and obligations, or of
25 being the subject of legal relations.

26 g) Recycling - shall refer to the return of discarded
27 or waste materials to the production system for utilization
28 in the manufacture of goods, with a view to the conservation
29 of non-renewable and scarce resources.

30 h) Resource Recovery - shall refer to technical and
31 other practices whereby materials or energy for production
32 are obtained from waste products.

- 3 -

1 i) Sanitary Landfill - shall refer to an engineered
2 facility for the disposal of solid waste in land by
3 spreading the waste in thin layers, compacting in into
4 smallest practical volume, and covering it with compacted
5 soil.

6 j) Schedule of Compliance - shall refer to a listing
7 of remedial measures, including an enforceable sequence of
8 actions or operations to be accomplished within stipulated
9 time frame leading to compliance with a limitation,
10 prohibition, or standard set forth in this Act or any rule
11 or regulation issued pursuant thereto.

12 k) Secretary - shall refer to the Secretary of the
13 Department of Environment and Natural Resources.

14 l) Segregation at Source - shall refer to a solid
15 waste management practice of separating, at point of origin,
16 different materials found in solid waste in order to promote
17 recycling and reuse of resources and to reduce the volume of
18 waste for collection and disposal.

19 m) Solid Waste - shall refer to any garbage, refuse,
20 sludge and other discarded material, including solid waste,
21 semi-solid, or contained liquid or gaseous material
22 resulting from industrial, commercial, mining, and
23 agricultural operations, and from community activities.

24 SEC. 4. *Lead Agency.* - The Department of Environment
25 and Natural Resources (DENR), in cooperation with other
26 government agencies and the local government units (LGU's),
27 shall be responsible for the effective implementation of the
28 provisions of this Act. In this regard, it shall exercise
29 supervision over all aspects of solid waste management.

30 SEC. 5. *Cooperative Activities.* - The Department
31 shall encourage cooperative activities by other
32 governmental agencies and the local government units for the

1 effective and efficient implementation of a comprehensive
2 national solid waste management program. It shall also
3 encourage the enactment of improved and, so far as
4 practicable in the light of varying conditions and needs,
5 uniform laws and local ordinances relating to solid
6 waste management so as to assure the utilization of all
7 appropriate and available facilities and resources of the
8 National Government in the National Solid Waste Management
9 Program.

10 Members of the cooperating agencies shall include, but
11 not limited to, the following:

- 12 a) Department of Interior and Local Government
13 (DILG);
- 14 b) Department of Science and Technology (DOST)
- 15 c) Department of Agriculture (DA)
- 16 d) Department of Health (DOH)
- 17 e) Department of Education, Culture and Sports
18 (DECS);
- 19 f) Philippine Information Agency (PIA);
- 20 g) Department of Trade and Industry (DTI);
- 21 h) Regional Authorities.

22 SEC. 6. *Public Education and Information.* - The
23 Department shall, in coordination with the DECS, the DILG,
24 and the PIA, conduct a continuing education and information
25 campaign on solid waste management. Such education and
26 information program shall:

- 27 a) aim at developing public awareness of the ill-
28 effects of the solid waste problem and demonstrating what
29 the public can do to minimize, if not resolve it;
- 30 b) concentrate on activities which are feasible and
31 which will have the greatest impact on the solid waste

1 problem of the country, like resource conservation and
2 recovery, recycling, segregation at source, reuse, reduction
3 and composting of solid waste; and

4 c) encourage the general public and the non-
5 governmental and people's organizations to publicly endorse
6 and patronize products that are recyclable, durable, and
7 repairable and those that are not over-packed.

8 SEC. 7. *Environmental Education in the Formal and Non-*
9 *Formal Sectors.* - The National Government, through the DECS
10 and in coordination with concerned government agencies and
11 non-governmental organizations and private institutions,
12 shall strengthen the integration of environmental concerns
13 in school curricula at all levels, with particular emphasis
14 on the theory and practice of waste management principles
15 like waste minimization, specifically resource conservation
16 and recovery, segregation at source, reduction, recycling,
17 reuse and composting, in order to promote environmental
18 awareness and action among the citizenry.

19 SEC. 8. *Business and Industry Role in Environmental*
20 *Management.* - The Department, in coordination with the DTI
21 and the DOST, shall encourage the business and industrial
22 sector, through the formulation of appropriate incentives,
23 to manufacture environment-friendly products, to introduce,
24 develop and adopt innovative processes that recycle and
25 reuse materials, conserve raw materials and energy, reduce
26 waste, and prevent pollution, and to undertake community
27 activities to promote effective solid waste management
28 practices.

29 CHAPTER II - SOLID WASTE MANAGEMENT PLAN

30 SEC. 9. *Inventory of Waste Disposal Facilities.* -
31 Within three (3) months from the effectivity of this Act,
32 the Department, in cooperation with the DILG and other

1 concerned agencies, shall publish an inventory of all
2 solid waste disposal facilities or sites in the country which are
3 classified as open dumps within the meaning of this Act.

4 SEC. 10. *National Solid Waste Management Plan.* -
5 Within three (3) months from the effectivity of this Act,
6 the Department shall establish and promulgate the framework
7 for a comprehensive and integrated national solid waste
8 management plan. Such action plan shall consider and
9 include:

10 a) the varying regional, geologic, hydrologic,
11 climactic, and other factors vital in the implementation
12 of solid waste practices to insure the reasonable
13 protection of (1) the quality of surface waters and
14 groundwaters from leachate contamination, (2) the quality
15 of surface waters from surface run-off contamination, and
16 (3) ambient air quality;

17 b) characteristics and conditions of collection,
18 storage, processing, disposal operating methods, techniques
19 and practices, location of facilities where such operating
20 methods, techniques and practices are conducted, taking into
21 account the nature of the material to be disposed;

22 c) methods for closing or upgrading open dumps for
23 purposes of eliminating potential health hazards;

24 d) population density, distribution, and projected
25 growth;

26 e) the type/s and location of transport facilities;

27 f) the profile of sources, including industrial,
28 commercial, domestic and other sources;

29 g) the characterization and generation rates of
30 waste;

31 h) the political, economic, organizational, financial

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1 and management problems affecting comprehensive solid waste
2 management; and

3 i) provisions for environmentally-sound techniques of
4 waste minimization such as, but not limited to, resource
5 conservation, segregation at source, recycling, resource
6 recovery, reuse and composting.

7 SEC. 11. *Role of Local Government Units.* - All local
8 government units shall, pursuant to the relevant provisions
9 of R.A. No. 7160 or the Local Government Code and subject to
10 the review of the Department as provided herein, enforce the
11 provisions of this Act within their respective
12 jurisdictions.

13 They shall design their own solid waste management
14 plans that provide for effective reduction of the volume of
15 solid waste through resource recovery, reuse and composting
16 measures, impose limitations and/or standards on existing or
17 potential sources within their jurisdictional boundaries and
18 provide for adequate collection, treatment and disposal
19 services. Such plan shall be submitted to the Department
20 for review.

21 If the Department finds local government unit's plan
22 adequate, it shall recommend its implementation: *Provided,*
23 That the Department shall maintain its authority to
24 independently inspect the enforcement procedure adopted:
25 *Provided, further,* That the Department shall have the power
26 to take over all or parts of a local government unit plan if
27 the local government unit concerned lacks the capability or
28 fails to meet or fairly enforce the provisions of its plan.

29 SEC. 12. *Guidelines or Solid Waste Management at the*
30 *Local Government Unit Level.* - Within six (6) months
31 from the effectivity of this Act, the Department shall

1 establish guidelines for solid waste management which
2 local government units shall consider in the drafting of
3 their respective local solid waste management plans. Such
4 guidelines shall:

5 a) provide a technical and economic description of
6 the level of performance that can be attained by various
7 available solid waste management practices which provide for
8 the protection of public health and the environment;

9 b) Describe levels of performance and
10 appropriate methods and degrees of control that provide, at
11 the minimum, for protection of public health and welfare
12 through:

13 1) protection of the quality of groundwaters
14 and surface waters from leachates and run-off
15 contamination;

16 2) disease and epidemic prevention and control;

17 3) prevention and control of offensive odor;

18 4) safety and aesthetic; and

19 c) provide minimum criteria to be used by the local
20 government units to define those solid waste management
21 practices which constitute open dumping and are to be
22 prohibited. As such as practicable, such guidelines shall
23 include minimum information for use in deciding the
24 adequate location, design, and construction of facilities
25 associated with solid waste management practices, including
26 the consideration of regional, geographical, demographic,
27 and climatic factors.

28 SEC. 13. *Guidelines for Identification of Common Solid*
29 *Waste Management Problems.* - For purposes of encouraging and
30 facilitating the development of local government planning of
31 solid waste management, the Department shall, as
32 soon as practicable but not later than three (3) months

1 from the effectivity of this Act, publish guidelines for
2 the identification of those areas which have common solid
3 waste management problems and are appropriate units for
4 planning local solid waste management services. Such
5 guidelines shall consider:

6 a) the size and location of areas which should be
7 included;

8 b) the volume of solid waste which would be
9 included;

10 c) the available means of coordinating local
11 government planning between and among local government units
12 and for the integration of such into the national plan.

13 SEC. 14. *Local Government Waste Management Plans.* - All
14 solid waste management plans of local government units must
15 comply with the following minimum requirements and shall:

16 a) identify the responsibilities of the local
17 government unit in the implementation of its plan;

18 b) prohibit the establishment of new open dumps
19 within the local government unit and require that all solid
20 waste shall be either utilized for resource/energy recovery
21 or disposed of in sanitary landfills, or otherwise disposed
22 of in an environmentally-sound manner;

23 c) provide for the phase-out or eventual closure, or
24 upgrading into sanitary landfills, of all existing open
25 dumps within the local government unit pursuant to the
26 provisions of this Act;

27 d) provide that the local government unit shall not
28 be prohibited from entering into long-term contracts for the
29 supply of solid waste to resource recovery facilities;

30 e) provide for such resource conservation or recovery
31 schemes and disposal of solid waste in sanitary landfills or
32 any combination of practices, such as, but not limited to,

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1 segregation at source, recycling, reuse, composting and
2 incineration, as may be necessary to use or dispose of such
3 waste in a manner that is environmentally sound; and

4 f) prohibit the establishment of open dumps.

5 For purposes of complying with paragraph (f) hereof,
6 each local government unit shall contain a requirement
7 that all existing disposal facilities or sites for solid
8 waste which are open dumps shall comply with such measures
9 as may be promulgated by the Secretary to eliminate health
10 hazards and minimize potential health hazards.

11 Each such plan shall establish, for any entity which
12 demonstrates that it has considered other public or private
13 alternatives for solid waste management to comply with the
14 prohibition on open dumping but is unable to utilize such
15 alternatives to comply, a timetable or schedule for
16 compliance which specifies a schedule of remedial
17 measures, including an enforceable sequence of actions
18 or operations leading to compliance with the
19 prohibition on open dumping of solid waste within a
20 reasonable time, which in no case shall exceed three
21 (3) years.

22 SEC. 15. *Prohibition Against Open Dumping of Solid*
23 *Waste.* - Any solid waste management practice or disposal of
24 solid waste which constitutes the open dumping of solid
25 waste is hereby prohibited, except in the case of any
26 practice or disposal of solid waste under the timetable or
27 schedule for compliance established under Section 14.

28 SEC. 16. a) *Access Entry.* - For purposes of
29 developing or assisting in the development of any regulation
30 or enforcing the provisions of this Act, any person who
31 generates, stores, treats, transports, disposes of, or

1 otherwise handles solid waste, upon the request of any
2 officer of the Department with at least the rank of a
3 director, or upon the request of a duly designated officer
4 or employee of a local government unit having authority
5 pursuant to its solid waste management program, shall
6 furnish, or permit authorized persons, at all reasonable
7 times, access to any or all records, if any, relating to
8 such solid wastes.

9 For purposes of developing or assisting in the
10 development of any regulation or enforcing the provisions of
11 this Act, such officers are authorized to enter, at
12 reasonable times, any establishment or any other place
13 maintained by any person where solid wastes are generated,
14 stored, treated, or disposed of.

15 b) *Availability to Public.* - Any records, reports, or
16 information obtained from any person under this Section
17 shall be available to the public. However, a satisfactory
18 showing to the Secretary of the local government unit, as
19 the case may be, by any person that such documents or
20 particular parts thereof, if made public, would divulge
21 information entitled to protection under existing laws, the
22 Secretary of the local government unit, as the case may be,
23 shall consider such information or particular portions
24 thereof confidential in accordance with the purposes of the
25 existing laws. Such documents or portions thereof may be
26 disclosed to other officers, employees, or authorized
27 representatives of the local government units concerned with
28 carrying out the provisions of this Code, or when relevant
29 in any proceeding under this Code.

30 CHAPTER III
31 CIVIL LIABILITIES/PENAL PROVISIONS

32 SEC. 17. *Penalties.* - Any person who shall litter or

1 throw garbage, filth, or other waste matters in public
 2 places, such as roads, sidewalks, canals, esteros, parks,
 3 establishments and others, shall, upon conviction, be
 4 punished with a fine of not less than Three hundred pesos
 5 (P300.00) but not more than Six thousand pesos (P6,000.00)
 6 or imprisonment of not less than fifteen (15) days but not
 7 more than two (2) years, or both, in the discretion of the
 8 Court.

9 Any person who violates Section 15 of this Act shall,
 10 upon conviction, be punished with a fine of not less than
 11 Twenty thousand pesos (P20,000.00) but not more than Fifty
 12 thousand pesos (P50,000.00) or imprisonment of not less than
 13 two (2) years but not more than six (6) years, or both, in
 14 the discretion of the Court.

15 If the offense is committed by a corporation,
 16 partnership, or other juridical entity duly organized in
 17 accordance with law, the chief executive officer, president,
 18 general manager, managing partner or such other officer-in-
 19 charge of the business operations shall be liable for the
 20 commission of the offense penalized under this Act.

21 If the offender is an alien, he shall, after service of
 22 the sentence prescribed above, be deported without further
 23 administrative proceedings.

24 CHAPTER IV

25 FINAL PROVISIONS

26 SEC. 18. *Separability Clause.* - If, for any reason,
 27 any provision of this Act is declared unconstitutional or
 28 invalid, such sections or parts not affected thereby shall
 29 remain in full force and effect.

30 SEC. 19. *Repealing Clause.* - All laws, orders,
 31 issuances, rules and regulations, or parts thereof

- 13 -

1 inconsistent with the provisions of this Act are hereby
2 repealed or modified accordingly.

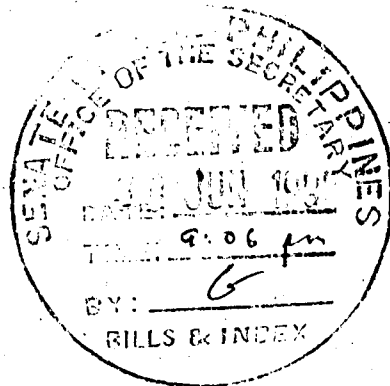
3 SEC. 20. *Effectivity.*— This Act shall take effect
4 fifteen (15) days after its publication in at least two (2)
5 newspapers of general circulation.

Approved,

ELEVENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
First Regular Session)

SENATE

S. No. 529



Introduced by Senator Revilla

EXPLANATORY NOTE

As a result of our country's push for Industrialization, our industrial, commercial, and agricultural sectors operation have resulted in tremendous increase of the volume of scraps and other waste materials. The continuing technological progress in methods of manufacturing, packaging, and marketing of consumer products have also resulted in an ever-mounting increase of materials discarded by the Filipino consumers.

However, the inadequate and environmentally unsound practices for the disposal or even recycling of solid waste have created problems of air and water pollution as evidenced by the recent fishkills in Manila and Laguna Bay areas, and remotely as the cause of the Red Tide Menace.

In the same instance, tons of recoverable materials which could be used are needlessly buried. Solid waste also represents a potential source of fuel, oil or gas that can be converted to energy or an alternative energy source in order to reduce the country's dependence on such costly imported petroleum products.

Not so long ago, ecosystem management was a topic of concern only to a handful. Today, the problem of waste management has such devastating effect, that we must begin to strictly enforce the law if we intend to keep an environment that is clean, healthy and free from hazards of the improper disposal of waste.

It is not only in the area of economic growth that our country has been left behind by our ASEAN neighbors. Ours is a country where filth and waste are seen everywhere. It has caused floods and sicknesses, and it has given this nation an image that is undersirable.

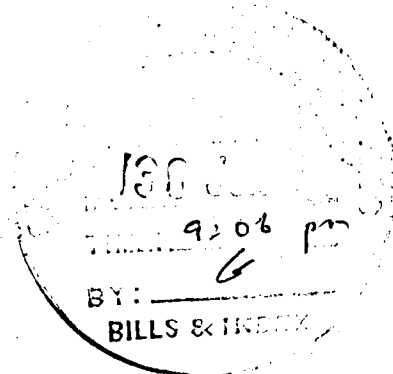
We must begin to re-awaken the Filipinos to a cleaner, healthier surrounding. We cannot afford to take our own sweet time. We must act now.

It is with this view that immediate approval of this bill is earnestly recommended.


RAMON B. REVILLA
Senator

81

ELEVENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
First Regular Session)



SENATE

S. No. 523

Introduced by Senator Revilla

AN ACT
PROVIDING FOR A COMPREHENSIVE SOLID WASTE MANAGEMENT
PROGRAM, DECLARING CERTAIN ACTS PROHIBITED, PROVIDING
PENALTIES THEREFOR, AND FOR OTHER PURPOSES

*Be it enacted by the Senate and House of Representatives of
the Philippines in Congress assembled:*

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2 and referred to as the "Solid Waste Management Act of
3 1994."

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6 comprehensive national solid waste management program which
7 will:

8 a) utilize environmentally-sound methods that
9 maximize the utilization of valuable resources and encourage
10 resource conservation;

11 b) set guidelines for solid waste volume reduction
12 through waste minimization measures, including recycling,
13 reuse, recovery and others, before collection, treatment and
14 disposal in appropriate solid waste disposal sites;

15 c) ensure the proper collection, transport, treatment
16 and disposal of solid waste through the formulation
17 and adoption of minimum national standards for solid waste
18 treatment and disposal;

19 d) retain primary enforcement responsibility of solid
20 waste management with the local government units while
21 encouraging relevant cooperative activities between the

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S. No.

- 2 -

1 government agencies, non-government organizations (NGO's)
2 and the private sector;

3 e) strengthen the integration of solid waste
4 management and resource conservation and recovery in the
5 school curricula in order to promote an environmental
6 awareness and action among citizenry.

7 SEC. 3. *Definition of Terms.* - For the purposes of this
8 Act:

9 a) Composting - shall refer to the controlled
10 decomposition of organic matter by micro-organisms, mainly
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13 Environment and Natural Resources.

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21 sanitary landfill where solid waste is thrown or disposed
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27 or waste materials to the production system for utilization
28 in the manufacture of goods, with a view to the conservation
29 of non-renewable and scarce resources.

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31 other practices whereby materials or energy for production
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1 problem of the country, like resource conservation and
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8 management plan. Such action plan shall consider and
9 include:

10 a) the varying regional, geologic, hydrologic,
11 climactic, and other factors vital in the implementation
12 of solid waste practices to insure the reasonable
13 protection of (1) the quality of surface waters and
14 groundwaters from leachate contamination, (2) the quality
15 of surface waters from surface run-off contamination, and
16 (3) ambient air quality;

17 b) characteristics and conditions of collection,
18 storage, processing, disposal operating methods, techniques
19 and practices, location of facilities where such operating
20 methods, techniques and practices are conducted, taking into
21 account the nature of the material to be disposed;

22 c) methods for closing or upgrading open dumps for
23 purposes of eliminating potential health hazards;

24 d) population density, distribution, and projected
25 growth;

26 e) the type/s and location of transport facilities;

27 f) the profile of sources, including industrial,
28 commercial, domestic and other sources;

29 g) the characterization and generation rates of
30 waste;

31 h) the political, economic, organizational, financial

1 and management problems affecting comprehensive solid waste
2 management; and

3 i). provisions for environmentally-sound techniques of
4 waste minimization such as, but not limited to, resource
5 conservation, segregation at source, recycling, resource
6 recovery, reuse and composting.

7 SEC. 11. *Role of Local Government Units.* - All local
8 government units shall, pursuant to the relevant provisions
9 of R.A. No. 7160 or the Local Government Code and subject to
10 the review of the Department as provided herein, enforce the
11 provisions of this Act within their respective
12 jurisdictions.

13 They shall design their own solid waste management
14 plans that provide for effective reduction of the volume of
15 solid waste through resource recovery, reuse and composting
16 measures, impose limitations and/or standards on existing or
17 potential sources within their jurisdictional boundaries and
18 provide for adequate collection, treatment and disposal
19 services. Such plan shall be submitted to the Department
20 for review.

21 If the Department finds local government unit's plan
22 adequate, it shall recommend its implementation: *Provided,*
23 That the Department shall maintain its authority to
24 independently inspect the enforcement procedure adopted:
25 *Provided, further,* That the Department shall have the power
26 to take over all or parts of a local government unit plan if
27 the local government unit concerned lacks the capability or
28 fails to meet or fairly enforce the provisions of its plan.

29 SEC. 12. *Guidelines or Solid Waste Management at the*
30 *Local Government Unit Level.* - Within six (6) months
31 from the effectivity of this Act, the Department shall

1 establish guidelines for solid waste management which
2 local government units shall consider in the drafting of
3 their respective local solid waste management plans. Such
4 guidelines shall:

5 a) provide a technical and economic description of
6 the level of performance that can be attained by various
7 available solid waste management practices which provide for
8 the protection of public health and the environment;

9 b) Describe levels of performance, including
10 appropriate methods and degrees of control that provide, at
11 the minimum, for protection of public health and welfare
12 through:

13 1) protection of the quality of groundwaters
14 and surface waters from leachates and run-off
15 contamination;

16 2) disease and epidemic prevention and control;

17 3) prevention and control of offensive odor;

18 4) safety and aesthetic; and

19 c) provide minimum criteria to be used by the local
20 government units to define those solid waste management
21 practices which constitute open dumping and are to be
22 prohibited. As such as practicable, such guidelines shall
23 include minimum information for use in deciding the
24 adequate location, design, and construction of facilities
25 associated with solid waste management practices, including
26 the consideration of regional, geographical, demographic,
27 and climatic factors.

28 SEC. 13. *Guidelines for Identification of Common Solid*
29 *Waste Management Problems.* - For purposes of encouraging and
30 facilitating the development of local government planning of
31 solid waste management, the Department shall, as
32 soon as practicable but not later than three (3) months

1 from the effectivity of this Act, publish guidelines for
2 the identification of those areas which have common solid
3 waste management problems and are appropriate units for
4 planning local solid waste management services. Such
5 guidelines shall consider:

6 a) the size and location of areas which should be
7 included;

8 b) the volume of solid waste which should be
9 included;

10 c) the available means of coordinating local
11 government planning between and among local government units
12 and for the integration of such into the national plan.

13 SEC. 14. *Local Government Waste Management Plans.* - All
14 solid waste management plans of local government units must
15 comply with the following minimum requirements and shall:

16 a) identify the responsibilities of the local
17 government unit in the implementation of its plan;

18 b) prohibit the establishment of new open dumps
19 within the local government unit and require that all solid
20 waste shall be either utilized for resource/energy recovery
21 or disposed of in sanitary landfills, or otherwise disposed
22 of in an environmentally sound manner;

23 c) provide for the phase-out or eventual closure, or
24 upgrading into sanitary landfills, of all existing open
25 dumps within the local government unit pursuant to the
26 provisions of this Act;

27 d) provide that the local government unit shall not
28 prohibited from entering into long-term contracts for the
29 supply of solid waste to resource recovery facilities;

30 e) provide for such resource conservation or recovery
31 schemes and disposal of solid waste in sanitary landfills or
32 any combination of practices, such as, but not limited to,

1 segregation at source, recycling, reuse, composting and
2 incineration, as may be necessary to use or dispose of such
3 waste in a manner that is environmentally sound; and

4 f) prohibit the establishment of open dumps.

5 For purposes of complying with paragraph (f) hereof,
6 each local government unit shall contain a requirement
7 that all existing disposal facilities or sites for solid
8 waste which are open dumps shall comply with such measures
9 as may be promulgated by the Secretary to eliminate health
10 hazards and minimize potential health hazards.

11 Each such plan shall establish, for any entity which
12 demonstrates that it has considered other public or private
13 alternatives for solid waste management to comply with the
14 prohibition on open dumping but is unable to utilize such
15 alternatives to comply, a timetable or schedule for
16 compliance which specifies a schedule of remedial
17 measures, including an enforceable sequence of actions
18 or operations leading to compliance with the
19 prohibition on open dumping of solid waste within a
20 reasonable time, which in no case shall exceed three
21 (3) years.

22 SEC. 15. *Prohibition Against Open Dumping of Solid*
23 *Waste.* - Any solid waste management practice or disposal of
24 solid waste which constitutes the open dumping of solid
25 waste is hereby prohibited, except in the case of any
26 practice or disposal of solid waste under the timetable of
27 schedule for compliance established under Section 14.

28 SEC. 16.. a) *Access Entry.* - For purposes of
29 developing or assisting in the development of any regulation
30 or enforcing the provisions of this Act, any person who
31 generates, stores, treats, transports, disposes of, or

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1 otherwise handles solid waste, upon the request of any
2 officer of the Department with at least the rank of a
3 director, or upon the request of a duly designated officer
4 or employee of a local government unit having authority
5 pursuant to its solid waste management program, shall
6 furnish, or permit authorized persons, at all reasonable
7 times, access to any or all records, if any, relating to
8 such solid wastes.

9 For purposes of developing or assisting in the
10 development of any regulation or enforcing the provisions of
11 this Act, such officers are authorized to enter, at
12 reasonable times, any establishment or any other place
13 maintained by any person where solid wastes are generated,
14 stored, treated, or disposed of.

15 b) *Availability to Public.* - Any records, reports, or
16 information obtained from any person under this Section
17 shall be available to the public. However, a satisfactory
18 showing to the Secretary of the local government unit, as
19 the case may be, by any person that such documents or
20 particular parts thereof, if made public, would divulge
21 information entitled to protection under existing laws, the
22 Secretary of the local government unit, as the case may be,
23 shall consider such information or particular portions
24 thereof confidential in accordance with the purposes of the
25 existing laws. Such documents or portions thereof may be
26 disclosed to other officers, employees, or authorized
27 representatives of the local government units concerned with
28 carrying out the provisions of this Code, or when relevant
29 in any proceeding under this Code.

30 CHAPTER III

31 CIVIL LIABILITIES/PENAL PROVISIONS

32 SEC. 17. *Penalties.* - Any person who shall litter or

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1 throw garbage, filth, or other waste matters in public
2 places, such as roads, sidewalks, canals, esteros, parks,
3 establishments and others, shall, upon conviction, be
4 punished with a fine of not less than Three hundred pesos
5 (P300.00) but not more than Six thousand pesos (P6,000.00)
6 or imprisonment of not less than fifteen (15) days but not
7 more than two (2) years, or both, in the discretion of the
8 Court.

9 Any person who violates Section 15 of this Act shall,
10 upon conviction, be punished with a fine of not less than
11 Twenty thousand pesos (P20,000.00) but not more than Fifty
12 thousand pesos (P50,000.00) or imprisonment of not less than
13 two (2) years but not more than six (6) years, or both, in
14 the discretion of the Court.

15 If the offense is committed by a corporation,
16 partnership, or other juridical entity duly organized in
17 accordance with law, the chief executive officer, president,
18 general manager, managing partner or such other officer-in-
19 charge of the business operations shall be liable for the
20 commission of the offense penalized under this Act.

21 If the offender is an alien, he shall, after service of
22 the sentence prescribed above, be deported without further
23 administrative proceedings.

24 CHAPTER IV

25 FINAL PROVISIONS

26 SEC. 18. *Separability Clause.* - If, for any reason,
27 any provision of this Act is declared unconstitutional or
28 invalid, such sections or parts not affected thereby shall
29 remain in full force and effect.

30 SEC. 19. *Repealing Clause.* - All laws, orders,
31 issuances, rules and regulations, or parts thereof

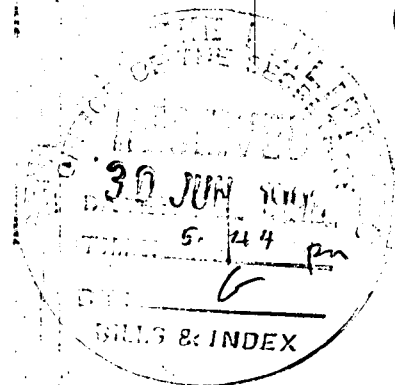
1 inconsistent with the provisions of this Act are hereby
2 repealed or modified accordingly.

3 SEC. 20. *Effectivity.*— This Act shall take effect
4 fifteen (15) days after its publication in at least two (2)
5 newspapers of general circulation.

Approved,

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ELEVENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
First Regular Session)

SENATE
S.B. No. 329



Introduced by Senator Miriam Defensor Santiago

AN ACT REQUIRING THAT PLASTIC RING CARRIER
DEVICES SHOULD BE DEGRADABLE

Be it enacted by the Senate and House of Representatives of the Philippines in Congress
assembled

Section 1 Short Title This Act shall be known as the "Degradable Materials
Act"

Section 2 Declaration of Policy The State shall exert all efforts to promote
the use of degradable materials to protect the environment from the hazardous effects of
the use of plastic

Section 3 Definitions As used in this title ---

(1) the term "regulated item" means any plastic ring carrier device that
contains at least one hole greater than $1 \frac{3}{4}$ inches in diameter which is made, used, or
designed for the purpose of packaging, transporting, or carrying multipackaged cans or
bottles, and which is of a size, shape, design, or type capable, when discarded, of
becoming entangled with fish or marine life; and

(2) the term "naturally degradable material" means a material which, when
discarded, will be reduced to environmentally benign sub-units under the action of normal
environmental forces, such as, biological decomposition, photo-degradation, or hydrolysis,
among others

Section 4 Regulation Not later than 24 months after the date of the
enactment of this title, the Secretary of the Department of Environment and Natural
Resources shall issue regulation that shall require any regulated item intended for use in
the Philippines shall be made of naturally degradable material which, when discarded,
decomposes within a period established by such regulation. The period within which

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decomposition must occur after being discarded shall be the shortest period of time consistent with the intended use of the item and the physical integrity required for such use. Such regulation shall allow a reasonable time for affected parties to come into compliance, including the use of existing inventories.

Section 5 Separability Clause If any provision or part hereof, is held invalid or unconstitutional, the remainder of the law of the provision not otherwise affected shall remain valid and subsisting.

Section 6 Repealing Clause. Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule or regulation contrary to, or inconsistent with, the provisions of this Act is hereby repealed, modified or amended accordingly.

Section 7 Effectivity Clause. This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

ELEVENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
First Regular Session)

S E N A T E

S. No 184



Introduced by Senator Sergio Osmeña III

EXPLANATORY NOTE


The Philippines recognizes environment as a vital government concern. This is guaranteed in Section II, Article 16 of our Constitution which expressly provides that *"The State shall protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature."*

Garbage is a blight on our environment. It pollutes our aerial, fluvial and terrestrial surroundings and causes diseases and even death among our people. To an extent greater than that often realized, our unsanitary and unhealthy surroundings are aggravated by the fact that our people do not have the discipline and good habits to clean and preserve our environment.

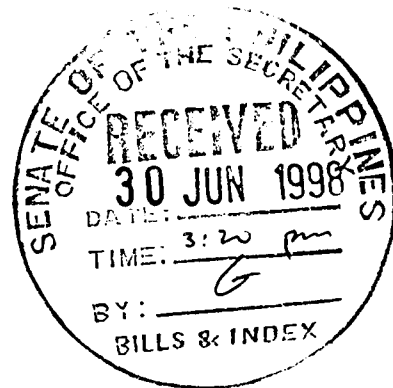
Through this bill, our government acknowledges its duty to reduce the dangers to health and safety caused by the ever-increasing reservoir of unsightly stockpiles of garbage. It manifests our commitment to a healthy environment by mandating the Environment Management Bureau as the lead agency liable for all aspects of the comprehensive implementation of a national solid waste management and recycling planning and control program. In addition, the Local Government Units will be held responsible for the formulation, implementation and monitoring of their local programs within their respective territorial jurisdiction.

The current alarming rate of environmental degradation demands the concerted efforts of all sectors. With the enactment of this bill, we shall be taking the right direction towards securing and enhancing our invaluable resources.

In view of the foregoing, early approval of this bill is earnestly sought.


SERGIO OSMEÑA III
Senator

SENATE
S. No. 184



Introduced by Senator Osmeña III

**AN ACT
PROVIDING FOR A NATIONAL COMPREHENSIVE SOLID WASTE
MANAGEMENT AND RECYCLING PROGRAM, DECLARING CERTAIN ACTS
PROHIBITED, PROVIDING PENALTIES THEREFOR, AND FOR OTHER
PURPOSES**

*Be it enacted by the Senate and House of Representatives of the Philippines in Congress
assembled:*

1 CHAPTER I

2 GENERAL PROVISIONS

3 SECTION 1. *Short Title.* – This Act shall be known and referred to as the
4 “National Solid Waste Management and Recycling Act of 1998.”

5 SEC. 2. *Declaration of Policy.* – It is the policy of the State, in accordance with the
6 mandate of the Constitution, to protect and advance the right of the people to a balanced and
7 healthful ecology in accord with the rhythm and harmony of nature. Towards this end, the
8 State shall actively encourage and promote recycling and adopt a systematic and
9 comprehensive national solid waste management program which will :

10 a) utilize environmentally-sound methods that maximize the utilization of valuable
11 resources and encourage resource conservation;

12 b) set guidelines for solid waste volume reduction through waste minimization
13 measures, including recycling, reuse, recovery and others, before collection, treatment and
14 disposal in appropriate solid waste disposal sites;

15 c) ensure the proper collection, transport, treatment and disposal of solid waste
16 through the formulation and adoption of minimum national standards for solid waste
17 treatment and disposal;

1 d) retain primary enforcement responsibility of solid waste management with the
2 local government units while encouraging relevant cooperative activities among the
3 government agencies, non-governmental organizations (NGOs) and the private sector;

4 e) strengthen the integration in formal and non-formal education courses of solid
5 waste management and resource conservation and recovery in order to promote
6 environmental awareness and action among the citizenry.

7 SEC. 3. *Definition of Terms.* – For the purposes of this Act:

8 a) “Composting” – shall refer to the controlled decomposition of organic matter by
9 micro-organisms, mainly bacteria and fungi, into a humus-like product;

10 b) “Bureau” – shall refer to the Environment Management Bureau;

11 c) “Council” – shall refer to the Recycling Markets Development Council;

12 d) “Department” – shall refer to the Department of Environment and Natural
13 Resources;

14 e) “Fund” – shall refer to the Recycling Markets Development Fund;

15 f) “Generator” – shall refer to a person, natural or juridical, who last uses a material
16 and makes it available for disposal or recycling;

17 g) “Government agencies” – shall refer to national, local and regional agencies and
18 instrumentalities, including government-owned and controlled corporations;

19 h) “Leachate” – shall refer to liquid that has percolated through solid waste or other
20 matter and has been separated from dissolved or suspended materials;

21 i) “Open Dump” – shall refer to any site other than a sanitary landfill where solid
22 waste is thrown or disposed of;

23 j) “Opportunity to recycle” – shall refer to the act of providing a place for
24 collecting source-separated recyclable material located either at a disposal site or at another
25 location more convenient to the population being served and, collection at least once a month
26 of source-separated recyclable material from collection service customers, and to providing a
27 public education and promotion program that gives notice to each person of the opportunity
28 to recycle and encourage source separation of recyclable material;

1 k) "Package" – shall refer to any container used to store, contain, transport, display
2 or sell products, excluding shipping containers or wrapping or other means of storage or
3 transportation of any consumer products in bulk;

4 l) "Person(s)" – shall refer to any being, natural or juridical, susceptible of rights
5 and obligations, or of being the subject of legal relations;

6 m) "Recyclable material" – shall refer to any material or group of materials that can
7 be collected and sold for recycling at a net cost equal to or less than the cost of collection and
8 disposal of the same material, including, but not limited to, newspaper, ferrous scrap metal,
9 non-ferrous scrap metal, used motor oil, corrugated cardboard and kraft paper, aluminum,
10 container glass, hi-grade office paper, tin cans, and other materials as may be determined by
11 the Department;

12 n) "Recycling" – shall refer to the treating of used or waste materials through a
13 process by making them suitable for beneficial use and for other purposes, and includes any
14 process by which solid waste materials are transformed into new products in such a manner
15 that the original products may lose their identity, and which may be used as raw materials for
16 the production of other goods or services: *Provided*, That the collection, segregation and re-
17 use of previously used packaging material shall be deemed recycling under this Act;

18 o) "Resource Recovery" – shall refer to technical and other practices whereby
19 materials or energy for production are obtained from waste products;

20 p) "Sanitary Landfill" – shall refer to an engineered facility for the disposal of solid
21 waste in land by spreading the waste in thin layers, compacting it into smallest practical
22 volume, and covering it with compacted soil;

23 q) "Schedule of Compliance" – shall refer to a listing of remedial measures,
24 including an enforceable sequence of actions or operations to be accomplished within a
25 stipulated time frame leading to compliance with a limitation, prohibition, or standard set
26 forth in this Act or any rule or regulation issued pursuant thereto;

27 r) "Secretary" – shall refer to the Secretary of the Department of Environment and
28 Natural Resources;

1 s) "Segregation at Source" – shall refer to a solid waste management practice of
2 separating, at the point of origin, different materials found in solid waste in order to promote
3 recycling and reuse of resources and to reduce the volume of waste for collection and
4 disposal;

5 t) "Solid Waste" – shall refer to any garbage, refuse, sludge and other discarded
6 material, including solid, semi-solid, or contained liquid or gaseous material resulting from
7 industrial, commercial, mining, and agricultural operations, and from community activities;

8 SEC. 4. *Lead Agency.* – The Department, through the Bureau, shall be responsible
9 for the implementation and enforcement of the provisions of this Act. To this end, the
10 Department shall have the following powers and functions:

11 a) Formulate and develop a comprehensive and integrated recycling management
12 plan which shall include the establishment of standards regulating the recycling of waste and
13 garbage. In formulating the program, the Department shall give emphasis to
14 environmentally-sound, ecologically-safe, and cost-efficient methods.

15 Towards this objective, the Department shall consider:

- 16 1. Systems and techniques available for recycling, including but not limited to
17 existing recycling programs;
18 2. Availability of markets for recyclable materials;
19 3. Costs of collecting, storing, transporting and marketing and disposal of recyclable
20 material;
21 4. Composition and quantity of waste generated and potential recyclable material.

22 b) Establish education, promotion and notice requirements for disposal sites and
23 collection system;

24 c) Identify and list materials that are recyclable;

25 d) Formulate, revise, and from time to time update, a Manual on recycling
26 management and disseminate copies to the public;

27 e) Monitor the disposal and transport of recyclable materials;

28 f) Exercise visitorial and enforcement powers to ensure strict compliance with
29 this Act;

1 g) Prepare an annual report to Congress on the development and implementation
2 of the opportunity to recycle;

3 h) Require package and product manufacturers to use recycle materials in
4 manufacturing their package or products keep records of the recycled content of its products,
5 and the labeling of the same to reflect the recycled content: *Provided*, That manufacturers of
6 packages or containers for medical devices, infant formulate and medical food shall be
7 exempt from this requirement;

8 i) Provide standards for the use of the terms “recyclable”, “recycled content”,
9 and the like on products or packaged;

10 j) Issue rules and regulations to effectively implement the provisions of this Act;
11 and

12 k) Perform such other powers and functions necessary to achieve the objectives
13 of this Act.

14 SEC. 5. *Cooperative Activities.* – The Department shall encourage cooperative
15 activities by other government agencies and the local government units for the effective and
16 efficient implementation of a comprehensive national solid waste management program. It
17 shall also encourage the enactment of improved and, so far as practicable in the light of
18 varying conditions and needs, uniform laws and local ordinances relating to solid waste
19 management so as to assure the utilization of all appropriate and available facilities and
20 resources of the national government in the National Solid Waste Management and
21 Recycling Program.

22 Members of the cooperating agencies shall include, but shall not be limited to the
23 following:

- 24 (a) Department of the Interior and Local Government (DILG);
- 25 (b) Department of Science and Technology (DOST);
- 26 (c) Department of Agriculture (DA);
- 27 (d) Department of Health (DOH);
- 28 (e) Department of Education, Culture and Sports (DECS);
- 29 (f) Philippine Information Agency (PIA);

1 (g) Department of Trade and Industry (DTI); and

2 (h) Regional Authorities.

3 SEC. 6. *Public Education and Information.* – The Department shall, in coordination
4 with the DECS, the DILG, and the PIA, conduct a continuing education and information
5 campaign on solid waste management and recycling. Such education and information
6 program shall:

7 (a) aim at developing public awareness of the ill-effects of the solid waste problem
8 and demonstrating what the public can do to minimize, if not resolve, it;

9 (b) concentrate on activities which are feasible and which will have the greatest
10 impact on the solid waste problem of the country, like resource conservation and recovery,
11 recycling, segregation at source, reuse, reduction and composting of solid waste; and

12 (c) encourage the general public and the non-governmental and people's
13 organizations to publicly endorse and patronize products that are recyclable, durable, and
14 repairable and those that are not over-packaged.

15 SEC. 7. *Environmental Education in the Formal and Non-Formal Sectors.* – The
16 National government, through the DECS and in coordination with concerned government
17 agencies and non-governmental organizations and private institutions, shall strengthen the
18 integration of environmental concerns in school curricula at all levels, with particular
19 emphasis on the theory and practice of waste management principles like waste
20 minimization, specifically resource conservation and recovery, segregation at source,
21 reduction, recycling, reuse and composting, in order to promote environmental awareness
22 and action among the citizenry.

23 SEC. 8. *Business and Industry Role in Environmental Management and Recycling.*
24 – The Department, in coordination with the DTI and the DOST, shall encourage the business
25 and industrial sector, through the formulation of appropriate incentives, to manufacture
26 environment-friendly products, to introduce, develop and adopt innovative processes that
27 recycle and reuse materials, conserve raw materials and energy, reduce waste, and prevent
28 pollution, and to undertake community activities to promote effective solid waste
29 management and recycling practices.

CHAPTER II

SOLID WASTE MANAGEMENT PLAN

SEC. 9. *Inventory of Waste Disposal Facilities.* – Within three (3) months from the effectivity of this Act, the Department, in cooperation with the DILG and other concerned agencies, shall publish an inventory of all solid waste disposal facilities or sites in the country which are classified as open dumps within the meaning of this Act.

SEC. 10. *National Solid Waste Management Plan.* – Within three (3) months from the effectivity of this Act, the Department shall establish and promulgate the framework for a comprehensive and integrated national solid waste management plan. Such action plan shall consider and include:

(a) the varying regional, geologic, hydrologic, climatic, and other factors vital in the implementation of solid waste practices to insure the reasonable protection of (1) the quality of surface and groundwaters from leachate contamination, (2) the quality of surface waters from surface run-off contamination, and (3) ambient air quality;

(b) characteristics and conditions of collection, storage, processing, disposal, operating methods, techniques and practices, location of facilities where such operating methods, techniques and practices are conducted, taking into account the nature of the material to be disposed;

(c) methods for closing or upgrading open dumps for purposes of eliminating potential health hazards;

(d) population density, distribution, and projected growth;

(e) the type/s and location of solid waste transport facilities;

(f) the profile of sources, including industrial, commercial, domestic and other sources;

(g) the characterization and generation rates of waste;

(h) the political, economic, organizational, financial and management problems affecting comprehensive solid waste management; and

1 (i) provisions for environmentally-sound techniques of waste minimization such as,
2 but not limited to, resource conservation, segregation at source, recycling, resource recovery,
3 reuse and composting.

4 SEC. 11. *Role of Local Government Units.* – All local government units shall,
5 pursuant to the relevant provisions of R.A. No. 7160 or the Local Government Code and
6 subject to the review of the Department as provided herein, enforce the provisions of this Act
7 within their respective jurisdictions.

8 They shall design their own solid waste management plans that provide for effective
9 reduction of the volume of solid waste through resource conservation, segregation at source,
10 recycling, reduction, resource recovery, reuse and composting measures, impose limitations
11 and/r standards on existing or potential sources within their jurisdictional boundaries, and
12 provide for adequate collection, treatment and disposal services. Such plan shall be
13 submitted to the Department for review.

14 If the Department finds the local government unit's plan adequate, it shall
15 recommend its implementation: *Provided*, That the Department shall maintain its authority
16 to independently inspect the enforcement produce adopted: *Provided*, further, That the
17 Department shall have the power to take over all or parts of a local government unit plan if
18 the local government unit concerned lacks the capability or fails to meet or fairly enforce the
19 provisions of its plan.

20 SEC. 12. *Guidelines for Solid Waste Management at the Local Government Unit*
21 *Level.* – Within six (6) months from the effectivity of this Act, the Department shall
22 establish guidelines for solid waste management which local government units shall consider
23 in the drafting of their respective local solid waste management plans. Such guidelines shall:

24 (a) provide a technical and economic description of the level of performance that can
25 be attained by various available solid waste management practices which provide for the
26 protection of public health and the environment.

27 (b) Describe levels of performance and appropriate methods and degrees of control
28 that provide, at the minimum, for protection of public health and welfare through:

- 1 1. Protection of the quality of groundwaters and surface waters from leachates
- 2 and run-off contamination:
- 3 2. Disease and epidemic prevention and control;
- 4 3. Prevention and control of offensive odor;
- 5 4. Safety and aesthetics; and

6 (c) Provide minimum criteria to be used by the local government units to define those

7 solid waste management practices which constitute open dumping and are to be prohibited.

8 As much as practicable, such guidelines shall also include minimum information for use in

9 deciding the adequate location, design, and construction of facilities associated with solid

10 waste management practices, including the consideration of regional, geographic,

11 demographic, and climatic factors.

12 SEC. 13. *Guidelines for Identification of Common Solid Waste Management*

13 *Problems.* – For purposes of encouraging and facilitating the development of local

14 government planning of solid waste management, the Department shall, as soon as

15 practicable but not later than three (3) months from the effectivity of this Act, publish

16 guidelines for the identification of those areas which have common solid waste management

17 problems and are appropriate units for planning local solid waste management services.

18 Such guidelines shall consider:

- 19 (a) the size and location of areas which should be included;
- 20 (b) the volume of solid waste which would be generated; and
- 21 (c) the available means of coordinating local government planning between and
- 22 among the local government units and for the integration of such with the national plan.

23 SEC. 14. *Local Government Waste Management Plans.* All solid waste

24 management plans of local government units must comply with the minimum requirements

25 and shall:

- 26 (a) identify the responsibilities of the local government unit in the implementation of
- 27 its plan;
- 28 (b) prohibit the establishment of new open dumps within the local government unit
- 29 and require that all solid waste shall either be utilized for resource/energy recovery or

1 disposed of in sanitary landfills, or otherwise disposed of in any other environmentally-sound
2 manner;

3 (c) provide for the phase-out or eventual closure, or upgrading into sanitary landfills,
4 of all existing open dumps within the local government unit pursuant to the provisions of this
5 Act;

6 (d) provide that the local government unit shall not be prohibited from entering into
7 long-term contracts for the supply of solid waste to resource recovery facilities;

8 (e) provide for resource conservation or recovery schemes and disposal of solid waste
9 in sanitary landfills or any combination of practices, such as, but not limited to, segregation
10 at source, recycling, reuse, composting and incineration, as may be necessary to use or
11 dispose of such waste in a manner that is environmentally-sound; and

12 (f) prohibit the establishment of open dumps.

13 For purposes of compliance with paragraph (f) hereof, each local government unit
14 plan shall contain a requirement that all existing disposal facilities or sites for solid waste
15 which are open dumps shall comply with such measures as may be promulgated by the
16 Secretary to eliminate health hazards and minimize potential health hazards.

17 Each such plan shall establish, for any entity which demonstrates that it has
18 considered other public or private alternatives for solid waste management to comply with
19 the prohibition on open dumping but is unable to utilize such alternatives to comply, a
20 timetable or schedule for compliance which specifies a schedule or remedial measures,
21 including an enforceable sequence of actions or operations leading to compliance with the
22 prohibition on open dumping of solid waste within a reasonable time, which in no case shall
23 exceed three (3) years.

24 SEC. 15. *Prohibition Against Open Dumping of Solid Waste.* – Any solid waste
25 management practice or disposal of solid waste which constitutes the open dumping of solid
26 waste is hereby prohibited, except in the case of any practice or disposal of solid waste under
27 a timetable or schedule for compliance established under Section 14.

28 SEC. 16. (a) *Access Entry.* – For purposes of developing or assisting in the
29 development of any regulation or enforcing the provisions of this Act, any person who

1 generates, stores, treats, transports, disposes of, or otherwise handles solid wastes, upon the
2 request of any officer of the Department with at least the rank of a director, or upon the
3 request of a duly designated officer or employee of a local government unit having authority
4 pursuant to its solid waste management program, shall furnish, or permit authorized persons,
5 at all reasonable times, access to any or all records, if any, relating to such solid wastes.

6 For purposes of developing or assisting in the development of any regulation or
7 enforcing the provisions of this Act, such officers are authorized to enter, at reasonable times,
8 any establishment or other place maintained by any person where solid wastes are generated,
9 stored, treated, or disposed of.

10 (b) Availability to Public – Any records, reports, of information obtained from any
11 person under this section shall be available to the public. However, upon a satisfactory
12 showing to the Secretary or the local government unit, as the case may be, by any person that
13 such documents or particular parts thereof, if made public, would divulge information
14 entitled to protection under existing laws, the Secretary or the local government unit, as the
15 case may be, shall consider such information or particular portions thereof confidential in
16 accordance with the purposes of the existing laws. Such documents or portions thereof may
17 be disclosed to other officers, employees, or authorized representatives of the local
18 government units concerned with carrying out the provisions of this Code, or when relevant
19 in any proceeding under this Code.

20 CHAPTER III

21 RECYCLING

22 SEC. 17. *Recyclable Material*. – In determining what materials are recyclable, the
23 Department through the Bureau, shall consider the following factors:

24 a) The cost of collection and sale of a recyclable material, including all costs and
25 savings associated with the collection of a recyclable material. This shall be calculated by
26 considering the collector's cost from the time the material is source-separated and leaves the
27 sue of the generator until it is first sold or transferred to the person who recycles it;

28 b) The cost of collection and disposal of material as solid waste which shall be
29 calculated by using the total costs of collection and disposal. Costs shall include fees

1 charged, taxes levied or subsidies granted to collect and to dispose of solid waste. Costs shall
2 also include, but are limited to, the costs to comply with applicable statutes, rules, and permit
3 conditions;

4 c) Any measurable savings to the collector resulting from making a material
5 available for recycling as opposed to disposal; and

6 d) The amount and value of any source-separated material that is collected or
7 received as part of a recycling requirement.

8 SEC. 18. *Mandatory Participation in Recycling.* –

9 a) The Department may require one or more classes of solid waste generators to
10 source-separate identified recyclable material from other solid waste and make the material
11 available for recycling.

12 b) In determining which materials are recyclable for purposes of mandatory
13 participation, the cost of recycling from commercial or industrial sources shall include the
14 generator's cost of source-separating and making the material available for recycling or
15 reuse.

16 c) Before requiring solid waste generators to participate in recycling under this
17 Section, the Department must find, after a public hearing, that:

- 18 1. The opportunity to recycle has been provided for a reasonable period of time and
19 the level of participation does not fulfill the purposes of this Act;
20 2. The mandatory participation program is economically feasible within the affected
21 watershed or portion thereof; and
22 3. The mandatory participation program is the only alternative to carry out the
23 purposes of this Act.

24 d) After a mandatory participation program is established for a class of generators of
25 solid waste, no person within the identified class of generators shall put solid waste out to be
26 collected nor dispose of solid waste at a disposal site unless the person has separated the
27 identified recyclable material according to the requirements of the mandatory participation
28 program and made the recyclable material for recycling.

29 SEC. 19. *Recycling Market Development Council* –

1 a) To effectively implement the provisions of this Act, the Recycling Markets
2 Development Council is hereby created. The council shall consist of twelve (12) members,
3 at least one (1) of whom shall have expertise in national and international market
4 development. The members appointed to the council shall represent the following interests:

- 5 1. Local Government;
- 6 2. Solid Waste Collectors;
- 7 3. Environment Organization;
- 8 4. Glass Industry;
- 9 5. End-product Manufacturers of glass;
- 10 6. Paper Industry;
- 11 7. End-product Manufacturers of paper;
- 12 8. Plastic Industry;
- 13 9. End-product Manufacturers of plastic;
- 14 10. Persons with expertise in the collection and sorting of recycling material;
- 15 11. Retail Industry; and
- 16 12. Processors of recovered material.

17 b) The President shall appoint the members of the Council, one of whom shall be
18 designated as chairperson. Members of the Council shall reserve at the pleasure of the
19 President and shall serve a term of two (2) years. Any vacancy in the Council shall be filed
20 by the President. In making the appointments to the Council, the President shall consider:

- 21 1) The person's knowledge of recycling;
- 22 2) Geographic representation from throughout the country;
- 23 3) The size of the business represented; and
- 24 4) Expertise in market development.

25 (c) The Council shall:

- 26 1) Remain updated on national and international market development activities;
- 27 2) Develop nationwide market strategies for each secondary commodity;
- 28 3) Develop communication with and be a liaison to, market development committees
29 representing other regions within the country;

- 1 4) Encourage uniform recycling definitions and standards throughout the country;
- 2 5) Encourage the expansion of existing businesses and the use of recovered
- 3 materials;
- 4 6) Identify and evaluate financial and other incentives to encourage businesses that
- 5 can use recovered materials; and
- 6 7) Promote the purchase of products made from recovered materials.
- 7 d) The Council shall submit an annual report to Congress. The report shall include,
- 8 but need not be limited to:
 - 9 1) Accomplishments of the Council;
 - 10 2) Additional activities necessary to strengthen markets for recycled materials; and
 - 11 3) Statutory additions or changes necessary to assist the Council in carrying out its
 - 12 duties, including implementing the market development plans developed by the
 - 13 Council's divisions.
- 14 e) The Council shall establish three (3) industry divisions to examine specific market
- 15 development problems related to glass, paper and plastic. In addition, the Council may
- 16 establish *ad hoc* divisions to address by the glass paper and plastic divisions.

17 SEC. 20. *Recycling Markets Development Fund.* – A Recycling Markets
18 Development Fund is hereby created in the National Treasury, separate and distinct from the
19 General Fund. Except as otherwise provided by law, all monies received by the Council
20 shall be paid into the National Treasury and credited to the fund.

21 The Recycling Markets Development Fund shall consist of:

- 22 a) Monies remitted from assessments, fees, and fines provided for in the
- 23 integrated recycling plans or mandatory participation programs in an amount to be
- 24 determined by the Department or the Local Government concerned: *Provided*, That this
- 25 amount shall not be less than ten percent (10%) of the total annual collection of these
- 26 assessments, fees, and fines; and
- 27 b) Monies from any private gifts, grants or donations made to the fund.

Any funds generated under a division's industry assessment structure shall be placed in a sub-account and shall be used only to fund that division's market development plan and the expenses of the Council.

Monies in the Recycling Market Development Fund are continuously appropriated to the Recycling Markets Development Council to be used:

- a) To provided low interest loans to develop secondary materials processing infrastructure for businesses engaged in processing secondary materials;
- b) For purposes set forth in each division's market development plan;
- c) To pay the reasonable and necessary expenses of the council; and
- d) To provide grants for organizations engaged in collecting, separating or processing secondary commodities.

SEC. 21. *Incentives for the Recycling Industry.* – The Council, in coordination with the Development of Trade and Industry, Department of Finance, Department of Science and Technology, and the Department of Environment and Natural Resources, shall provide incentives to investors intending to initiate operations in the field of collection, source-separation or segregation and recycling through, but not limited to:

- a) exemption on duties and taxes on recycling equipment and other capital equipment imported into the country;
- b) access to credit as established by law;
- c) financial support for research and development activities related to recycling;
- d) annual awards to individuals, private organizations and entities, including non-governmental organizations, that have undertaken outstanding projects or activities in relation to this Act.

SEC. 22. *Prohibited Acts.* – The following Acts are hereby prohibited:

- a) The taking, without the consent of the owner or generator of recyclable material set out to be collected by a person authorized or a collection service;
- b) The removal of any recyclable material from a container, box, collection vehicle, depot or other receptacle for the accumulation or storage of recyclable material without the permission of the owner of the receptacle;

d) The importation of consumer products packaged in materials other than those indicated as recyclable on the list of the Department; and

e) The use of the terms “recyclable”, and “with recycled content” are the like on products and packages without complying with the standards set by the Department.

CHAPTER IV

CIVIL LIABILITIES / PENAL PROVISIONS

SEC. 23. *Penalties.* – Any person who shall litter or throw garbage, filth, or other waste matters in public places, such as roads, sidewalks, canals, esteros, parks, establishments and others, shall, upon conviction, be punished with a fine of not less than Three hundred pesos (P300.00) but not more than Six thousand pesos (P6,000.00) or imprisonment of not less than fifteen (15) days but not more than two (2) years, or both, in the discretion of the Court.

Any person who violates Section 15 of this Act shall, upon conviction, be punished with a fine of not less than Fifty thousand pesos (P50,000.00) but not more than One Hundred thousand pesos (P100,000.000) or imprisonment of not less than two (2) years but not more than six (6) years, or both, in the discretion of the Court.

If the offense is committed by a corporation, partnership, or other juridical entity duly organized in accordance with law, the chief executive officer, president, general manager, managing partner or such other officer-in-charge of the business operations shall be liable for the commission of the offense penalized under this Act.

If the offender is an alien, he shall, after service of the sentence prescribed above, be deported without further administrative proceedings.

CHAPTER V

FINAL PROVISIONS

SEC. 24. *Separability Clause.* – If, for any reason, any provisions of this Act is declared unconstitutional, invalid, such sections or parts not affected thereby shall remain in force and effect.

1 SEC. 25. *Repealing Clause.* – All laws, decrees, executive orders, rules and
2 regulations, or parts hereof inconsistent with the provision of this Act are hereby repealed,
3 amended or modified accordingly.

4 SEC. 26. *Effectivity.* – This Act shall take effect fifteen (15) days after its
5 publication in the *Official Gazette* or in at least two (2) newspapers of general circulation
6 whichever comes earlier.

Approved,

'93 JUN 30 P1:05

S E N A T E

S. No.

75

RECEIVED BY: 6

Introduced by Senator Flavier

EXPLANATORY NOTE

The primary intention of this bill is to require the use of recyclable materials in the packaging of consumer items. With this proposal, we hope to significantly reduce the amount of waste being generated by our commercial industries, and in the process prolong the utility of certain recyclable materials. While it is generally accepted that these materials will eventually find their way back to the environment as waste or dissipated energy, we believe there is still great merit in interrupting this process of entropy through recycling. Encouraging the use of recyclable materials, it is assumed, goes hand in glove with resource conservation and the establishment of a comprehensive national solid waste management scheme.

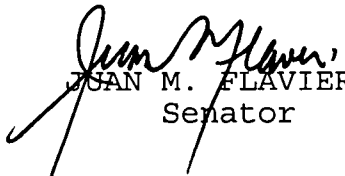
To begin the process of setting up a national recycling system, we are also proposing that the Environmental Management Bureau of the Department of Environment and Natural Resources (EMB-DENR) in coordination with the Department of Trade and Industry come up with an extensive system of labelling recyclable materials as well as a certification system of use of recyclable products by industry. This mechanism, we hope, will facilitate the collection and segregation of recyclables.

This bill also provides for several economic incentives to investors willing to set-up recycling facilities. It also directs the mandated government agencies to come up with financial support to research and development activities related to reduction, collection and segregation of waste material as well as the development or adaptation of technologies of degradable packaging.

We would like to admit at the outset, however, that this proposed measure is not the panacea to the country's waste management problem. It is only one component of an envisioned national scheme that we believe, should emphasize the reduction of solid wastes at their sources of generation. Recycling is an end-of-the-pipe technology, so to speak, that treats the problem at the tailend of the development process. Nevertheless, it is still of vital importance, especially within the context of the world's

conservation efforts. In the Philippines, where the demands of development are expected to exert more pressure on our environment and natural resources, recycling, in addition to regulating the use of non-recyclables acquire even greater significance.

Therefore, the approval of this bill is highly recommended.


JUAN M. FLAVIER
Senator

S E N A T E

'98 JUN 30 P1:05

S. No. 75

RECEIVED BY: G

Introduced by Senator Flavio

AN ACT
REQUIRING THE USE OF RECYCLABLE MATERIALS FOR THE PACKAGING
OF CONSUMER PRODUCTS TO BE SOLD COMMERCIALY, PROVIDING
MECHANISMS THEREFORE, AND FOR OTHER PURPOSES

Be it enacted by the Senate and House of Representatives of
the Philippines in Congress assembled:

SECTION 1. Declaration of Policy. - It is the policy
of the State to protect and advance the right of the people
to a balanced and healthful ecology in accord with the
rhythm and harmony of nature within a prospering economic
environment. Towards this end, the State shall require and
encourage the use of biodegradable and recyclable materials
in the packaging of consumer products, thereby enhancing
national efforts to reduce solid waste generation.

SEC. 2. Definition of Terms. - As used in this Act:

(a) Waste management system - refers to integrated
procedures used in the safe collection, processing and
disposal of solid, liquid and gaseous waste;

(b) Industrial waste - refers to waste generated by
the processing of goods in various industrial subsectors;

(c) Consumer products - are goods primarily intended
for use or consumption by persons or households or by
commercial or agricultural enterprises as their end users;

(d) Recycling of materials - refers to processes
that transform waste materials or extract portions thereof

into products that may be used as raw materials for the production of other goods or service: Provided, That the collection, segregation and reuse of previously-used packaging material shall be deemed recycling under this Act;

(e) Non-recyclable waste - refers to waste which cannot be transformed into or do not yield reusable material;

(f) Non-degradable waste - refers to waste which does not have the ability to decompose under the action of humidity, sunlight, temperature and microorganisms;

(g) Packaging - refers to any container, wrapping or other means by which any consumer product is enclosed or presented for storage, display, delivery to and use or consumption by any consumer, excluding shipping containers or wrapping or other means of storage or transportation of any consumer products in bulk;

(h) Environment-friendly - means exercising a safe, healthy and harmonious interaction with the environment.

SEC. 3. Lead Agency. - The Environmental Management Bureau (EMB) of the Department of Environment and Natural Resources (DENR) shall be the government agency primarily responsible for the implementation and enforcement of the provisions of this Act. As such, the EMB-DENR shall have the power to issue rules and regulations to implement the provisions of this Act. In addition, the EMB-DENR shall:

(a) Ensure that only recyclable materials will be used in the packaging of consumer products, subject to the provisions of this Act. Within three (3) months after the enactment of this Act, and every year thereafter, the EMB-DENR in close coordination with the Department of Science and Technology shall publish a list of recyclable packaging

materials in at least three (3) newspapers of national circulation.

34

(b) Develop and implement, in coordination with the Department of Trade and Industry (DTI), an extensive system of labelling consumer products packaged with or in recyclable materials. It shall also develop and implement a system certifying to the use by manufacturers of recyclable products in their production processes. Both systems shall be in place within one (1) year after the enactment of this Act. The Bureau of Product Standards (BPS) is hereby authorized to commission the preparation of a logo with appropriate signage and graphics to indicate that a product and/or its packaging is recyclable and/or is made from recyclable material.

(c) Within one (1) year after the enactment of this Act, prepare, together with the Department of Science and Technology (DOST), an implementation programme for the recycling and use of recyclable packaging materials with the following features:

1) a labelling system as provided for in Section 3(b) of this Act;

2) a program requiring manufacturers of consumer products or manufacturers of packaging materials for consumer products to install and use in their respective production processes appropriate recycling facilities and equipment: Provided, That manufacturers of consumer products who can show that they will suffer serious business losses as a result of such requirement shall have the option to comply with this requirement within a period set by the EMB, not to exceed three (3) years; and

3) in consultation with manufacturers and industries concerned, set progressive targets for the recycling of packaging materials such that by the year 2000, seventy percent (70%) of all packaging materials used by the manufacturer must have been a product of recycling as defined in this Act.

(d) Immediately after the implementation of this Act, develop and implement in coordination with local government units, the Department of Interior and Local Government (DILG), the Department of Trade and Industry (DTI), the industries concerned and non-governmental organizations (NGOs), a nationwide rational solid waste management system through:

1) the establishment and implementation of a system of collecting and separating recyclable materials in every community, utilizing consultative strategies to ensure that communities can determine and define the type of system most suited to their needs;

2) facilitation of the production of such necessary equipment and utilities for the collection, segregation and primary recycling of waste;

3) promotion of buy-back policies as a mechanism for retrieving non-biodegradable or non-recyclable materials that may otherwise be disposed and create potential or actual hazards to the environment; and

4) facilitation of access for communities to information on appropriate technology for recovery and recycling through effective networking with non-governmental organizations (NGOs) and other members of the private sector.

SEC. 4. Incentives for the Recycling Industry. - (a) the Department of Trade and Industry in coordination with the Department of Finance, Department of Science and Technology, and the Department of Environment and Natural Resources, shall provide incentives for registered investors intending to initiate operations in the field of collection, segregation and recycling through:

- 1) reduction of duties and taxes on capital equipment import;
- 2) access to credit as established by law;
- 3) income tax holiday or "carry over losses" at accelerated depreciation, whichever is applicable;
- 4) other facilities as provided by law for pioneering projects;
- 5) financial support for research and development (R and D) activities related to the reduction of waste material, collection, segregation and recycling of waste materials as well as the development or adaptation of technologies of degradable packaging materials to be used wherever economically feasible;

(b) the Department of Trade and Industry, the EMB-DENR and the DOST shall, within one (1) year from the enactment of this Act, jointly:

- 1) identify existing or potential markets for recycled materials;
- 2) identify the economic and technical barriers to the use and trade of recycled materials; and
- 3) prepare a program that will identify and encourage the development of new uses for recyclable materials.

SEC. 5. Prohibited Acts. - The following acts are hereafter prohibited: (a) The manufacture, distribution, or use of packaging materials for consumer products, other than those indicated as recyclable on the list of the EMB-DENR, is hereby prohibited; (b) the importation of consumer products packaged in materials other than those indicated in the same list is likewise prohibited.

SEC. 6. Penalties. - Any natural or juridical person who violates Section 5 of this Act, or any of its implementing rules and regulations, shall upon conviction, pay a fine of Five hundred thousand pesos (₱500,000.00) plus an amount of not less than five percent (5%) but not more than ten percent (10%) of their previous net annual income; in case of repeated violation, the penalty of imprisonment for a period of not less than one (1) but not exceeding three (3) years shall be imposed: Provided, That if the offender is a public official, he shall, in addition be disqualified from holding any public office: Provided, further, That if the offender is a juridical person, the penalty of imprisonment shall imposed on its chief executive officer.

SEC. 7. Separability Clause. - If any provision of this Act, or the application of such provisions to any person or circumstance, is declared unconstitutional, the remainder of this Act or the application of such provisions to other persons or circumstances shall not be affected by such declaration.

SEC. 8. Repealing Clause. - All acts, decrees, general orders and circulars, or parts thereof inconsistent with any of the provisions of this Act are hereby repealed or modified accordingly.

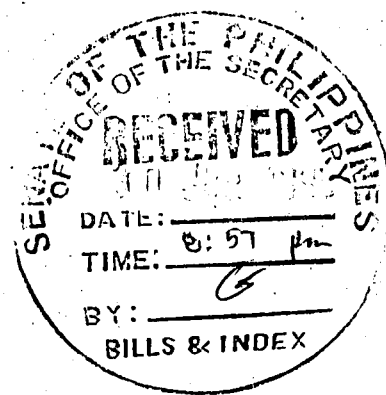
SEC. 9. Effectivity. - This Act shall take effect after its complete publication in the Official Gazette or in at least two (2) newspapers of general circulation.

Approved,

ELEVENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
First Regular Session)

SENATE

S. No. 514



Introduced by Senator Revilla

EXPLANATORY NOTE

Not so long ago, ecosystem management was a topic of concern only to a handful. Today, the problem of waste management has so devastating an effect, that we must begin to strictly enforce the law if we intend to keep an environment that is clean and free from hazards of the improper disposal of waste.

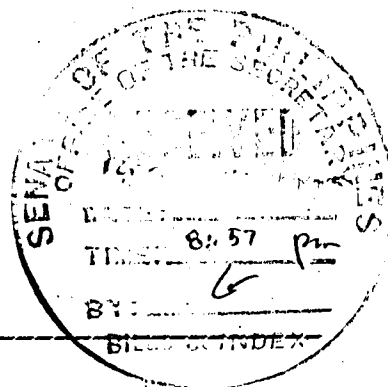
It is not only in the area of economic growth that our country has been left behind by our ASEAN neighbors. Ours is a country where filth and waste are seen everywhere. It has caused floods and sickness, and it has given this nation an unclean image.

We must begin to re-awaken the Filipinos to a cleaner, healthier surrounding. We cannot afford to take our own sweet time. We must act now. It is with this view that immediate approval of this bill is earnestly requested.


RAMON B. REVILLA
Senator

SENATE

S. No. 514



Introduced by Senator Revilla

AN ACT
AMENDING SECTION 2 OF P.D. NO. 825 (PROVIDING PENALTY FOR
IMPROPER DISPOSAL OF GARBAGE AND OTHER FORM OF UNCLEANLINESS
AND FOR OTHER PURPOSES)

*Be it enacted by the Senate and House of Representatives of
the Philippines in Congress assembled:*

SECTION 1. Section 2 of P.D. No. 825 (Providing
Penalty for Improper Disposal of Garbage and other Forms of
Uncleanliness and For Other Purposes) is hereby amended to
read as follows:

"SEC. 2. Any person, who shall litter or
throw garbage, filth, or other waste matters in
public places, such as roads, canals esteros or
parks, shall suffer an imprisonment of not less
than FIFTEEN (15) DAYS NOR MORE THAN TWO (2)
YEARS OR A FINE OF NOT LESS THAN THREE HUNDRED
PESOS (P300.00) NOR MORE THAN SIX THOUSAND PESOS
(P6,000.00) OR BOTH SUCH FINE AND IMPRISONMENT at
the discretion of the Court or tribunal, without
prejudice to the imposition of a higher penalty
under any other law or decree.

If the violator is a corporation, firm, or
other corporate entities, the maximum penalty
shall be imposed upon the President, manager,
director or persons responsible for its operation."

S. No.

- 2 -

SEC. 2. This Act shall take effect fifteen (15) days following its publication in at least two (2) newspapers of general circulation.

Approved,

ELEVENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES) S.S.
First Regular Session)

'98 OCT 15 A9:39

SENATE

S. No. 1269

RECEIVED BY: C

Introduced by Senator LOREN LEGARDA-LEVISTE

EXPLANATORY NOTE

Environment is a primary concern of government. Section II, Article 16 of the 1987 Constitution expressly provides that "(T)he state shall protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature".

Rapid population growth and urbanization have conspired to bring about environmental degradation. Among the more visible signs is the accumulation of solid waste in urban centers. In Metropolitan Manila alone, around 5,000 tons of solid waste is generated daily, seventy-five percent (75%) of which is reportedly collected and disposed of at a staggering total cost of P1.68 billion yearly. The rest is generally dumped on streets, in canals and storm drains which are clogged by unsightly, foul-smelling refuse, creating pools of dirty, stagnant water where disease-bearing insects like mosquitoes and other organisms breed to someday bring an epidemic like dengue or cholera, into the city. Floods that disrupt daily economic, social and other activities are also caused this way. Waste that ends up in our waterways depresses the oxygen level of the water, which our precious marine life need. Red tide or algal bloom not only kills thousands of fish, which would otherwise feed our growing population, but also causes food poisoning among the uninformed households.

It is government's duty to reduce the dangers to health and safety caused by these unsightly stockpiles of garbage. Throughout the country, our major cities have begun to experience serious problems with solid waste despite the huge amount of taxpayer's money spent on the delivery of this basic service. As our country moves on to industrialization, waste disposal looms large as a major concern. By the year 2014, Metro Manila will generate more than double the current rate. Yet, the Department of Environment and Natural Resources, due to the devolution to local governments of this function with the enactment of the Local Government Code, has not provided a framework that will serve as a guide for effective, concerted local action.

This bill proposes that such a framework of integrated strategies be formulated by the Department through the Environmental Management Bureau and that the local government units (LGUs) be held responsible for translating the national guidelines and standards into local action plans suited to their peculiar needs and resources.

To support these efforts, the bill creates a National Solid Waste Management Council headed by the EMB Director and composed of representatives from government and various sectors of society. The primary objective of the Council shall be to promote strategies for waste minimization and resource conservation or recovery, including segregation, recycling, and composting on a nationwide scale by developing the recycling market, drawing local cooperatives into the effort, administering innovative systems of incentives, and leading information and educational campaigns. It shall assist the Department in the review of guidelines and local action plans.

The bill seeks to control the accumulation of solid waste by prohibiting the establishment of open dumpsites and by providing for better disposal facilities through the phase-out or upgrading into sanitary landfills of all existing open dumps. It declares certain acts that abet improper garbage disposal illegal.

The urgent need for the enactment of this proposed measure cannot be stressed enough. With its passage, shall be taking the right direction towards securing and enhancing our invaluable resources.

The urgent approval of this bill is, therefore, earnestly requested.



LOREN LEGARDA-LEVISTE
Senator

/rpm/swmsn/bills98

ELEVENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES) S.S.
First Regular Session)

'98 OCT 15 A9:39

SENATE
S. No. **1269**

RECEIVED BY: 6

Introduced by Senator LOREN LEGARDA-LEVISTE

AN ACT
PROVIDING FOR AN INTEGRATED SOLID WASTE MANAGEMENT POLICY
FRAMEWORK, CREATING THE NATIONAL AND LOCAL COUNCILS ON SOLID
WASTE MANAGEMENT, DECLARING CERTAIN ACTS PROHIBITED,
PROVIDING PENALTIES THEREFOR, AND FOR OTHER PURPOSES

*Be it enacted by the Senate and House of Representatives of the Philippines in
Congress assembled:*

CHAPTER I
GENERAL PROVISIONS

SECTION 1. *Short Title.* - This Act shall be known and referred to as the
“**Integrated Solid Waste Management Act of 1998.**”

SEC. 2. *Declaration of Policy.* - It is hereby declared the policy of the State to
adopt an **integrated** solid waste management program, which will:

- a) Utilize environmentally sound methods that maximize the utilization of
valuable resources and encourage resource conservation in all residential houses,
commercial and industrial establishments, educational institutions, and agricultural and
other areas;
- b) Set guidelines for solid waste volume reduction through waste minimization
measures, including recycling, reuse, recovery and others, before collection, treatment
and disposal in appropriate solid waste disposal sites;
- c) Ensure the proper segregation, collection, transport, treatment and disposal of
solid waste through the formulation and adoption of minimum national standards for
solid waste treatment and disposal;
- d) Retain primary enforcement responsibility of solid waste management with the
local government units while encouraging relevant cooperative activities among the
government agencies, non-governmental organizations (NGOs) and the private sector;
- e) Strengthen the integration in formal and non-formal education courses of solid
waste management and resource conservation and recovery in order to promote
environmental awareness and action among the citizenry.

SEC. 3. *Definition of Terms.* - For the purposes of this Act:

- a) *Composting* - shall refer to the controlled decomposition of organic matter by microorganisms, mainly bacteria and fungi, into a humus-like product.
- b) *Department* - shall refer to the Department of Environment and Natural Resources.
- c) *Government agencies* - shall refer to national, local and regional agencies and instrumentalities, including government-owned and controlled corporations.
- d) *Leachate* - shall refer to liquid that has percolated through solid waste or other matter and has been separated from dissolved or suspended materials.
- e) *Open Dump* - shall refer to any site other than a sanitary landfill where solid waste is thrown or disposed of.
- f) *Person(s)* - shall refer to any being, natural or juridical, susceptible of rights and obligations, or of being the subject of legal relations.
- g) *Recycling* - shall refer to the return of discarded or waste materials to the production system for utilization in the manufacture of goods, with a view to the conservation of non-renewable and scarce resources.
- h) *Resource Recovery* - shall refer to technical and other practices whereby materials or energy for production are obtained from waste products.
- i) *Sanitary Landfill* - shall refer to an engineered facility for the disposal of solid waste in land by spreading the waste in thin layers, compressing it into the smallest practical volume, and covering it with compacted soil.
- (j) *Schedule of Compliance* - shall refer to a listing of remedial measures, including an enforceable sequence of actions or operations to be accomplished within a stipulated time frame leading to compliance with a limitation, prohibition, or standard set forth in this Act or any rule or regulation issued pursuant thereto.
- (k) *Secretary* - shall refer to the Secretary of the Department of Environment and Natural Resources.
- (l) *Segregation at Source* - shall refer to a solid waste management practice of separating, at the point of origin, different materials found in solid waste in order to promote recycling and reuse of resources and to reduce the volume of waste for collection and disposal.
- (m) *Solid Waste* - shall refer to any garbage, refuse, sludge and other discarded material, including solid, semi-solid, or contained liquid or gaseous material resulting from industrial, commercial, mining, and agricultural operations, and from community activities.

SEC. 4. *Lead Agency.* - The Department of Environment and Natural Resources (DENR), through the Environmental Management Bureau (EMB), in cooperation with other government agencies and the local government units (LGUs), shall be responsible for the effective implementation of the provisions of this Act.

In this regard, the EMB shall have the following powers and functions:

a) Establish standards, criteria and guidelines for the formulation and implementation of national and local waste management action plans with emphasis on source reduction strategies;

b) Establish criteria and guidelines siting, design, operation and maintenance of solid waste management facilities in the country;

c) Develop and prescribe procedures for the issuance of the appropriate permits and clearances on solid waste management for the adoption by the local government units; and

d) Monitor and evaluate programs and project proposals of local government units on solid waste management;

The EMB shall likewise perform the following tasks on source reduction:

a) Coordinate source reduction activities to promote source reduction practices in business and government agencies and generate research and development on source reduction techniques processes which have broad applicability;

b) Facilitate the adoption of source reduction strategies and techniques by business, schools, national and local government offices, and other generators of solid waste;

c) Establish a training program on source reduction opportunities, including workshops and guideline documents for national and local government permit issuance for all enforcement and inspection officials;

d) Identify and make recommendations to the Secretary of the Department of Environment and Natural Resources to eliminate barriers to source reduction including the use of incentives and disincentives;

e) Identify opportunities to use government procurement to encourage source reduction; and

f) Develop, test, and disseminate model source reduction auditing procedures designed to highlight source reduction opportunities.

SEC. 5. *Cooperative Activities.* - The Department shall encourage cooperative activities by other government agencies and the local government units for the effective and efficient implementation of integrated national solid waste management action plans.

It shall also encourage the enactment of improved and, so far as practicable in the light of varying conditions and needs, uniform laws and local ordinances relating to solid waste management to assure the utilization of all appropriate and available facilities and resources of the national government in the National Solid Waste Management Framework Program.

SEC. 6. *National Council on Solid Waste Management.* - There is hereby established a National Council on Solid Waste Management, chaired by the Director of the Environment Management Bureau of the Department of the Environment and Natural Resources, to be composed of the following members:

- a) Undersecretary of the Department of Science and Technology;
- b) Undersecretary of the Department of Trade and Industry;
- c) Chairman of the Board of Investments;
- d) Undersecretary of the Department of the Interior and Local Governments;
- e) Chairperson of the Philippine Council for Sustainable Development;
- f) One representative each from the academe, the environmental NGOs, the manufacturing or business, and the consumer sectors.

SEC. 7. *Powers and Functions of the Council.* - The Department or the local government unit shall consult the Council with regard to the setting, definition and review of:

- a) Standards, criteria and guidelines for the formulation and implementation of an integrated national waste management framework program;
- b) Criteria and guidelines for siting, design, operation and maintenance of solid waste management facilities;
- c) Procedures for the issuance of the appropriate permits and clearances for solid waste treatment and disposal facilities for adoption by the local government units; and
- d) Solid waste management action plans and project proposals of local government units.

The Council shall, in coordination with the appropriate government agencies:

- a) Formulate and disseminate criteria and guidelines for the adoption of source reduction strategies and techniques by businesses, schools, national and local government offices, and other generators of solid waste;
- b) Establish and implement a reward system with its corresponding regular award program to recognize outstanding or innovative source reduction programs; and
- c) Promote the development of local capability in solid waste management and source reduction strategies and methodologies through (1) strengthening of the

recycling market, (2) active support for research and development and commercialization of viable local processes and (2) agreements for transfer of exceptional foreign technology.

CHAPTER II

SOLID WASTE MANAGEMENT FRAMEWORK AND ACTION PLANS

SEC. 8. *Inventory of Waste Disposal Facilities.* - Within three (3) months from the effectivity of this Act, the Department, in cooperation with the DILG and other concerned agencies, shall publish an inventory of all solid waste disposal facilities or sites in the country which are classified as open dumps within the meaning of this Act.

SEC. 9. *National Solid Waste Management Framework* - Within three (3) months from the effectivity of this Act, the Department shall establish and promulgate a framework for integrated national solid waste management. The framework program shall consider and include:

(a) The varying regional geologic, hydrologic, climatic, and other factors vital in the implementation of solid waste practices to ensure the reasonable protection of (1) the quality of surface and groundwater from leachate contamination, (2) the quality of surface waters from surface run-off contamination, and (3) ambient air quality;

(b) Characteristics and conditions of collection, storage, processing, disposal, operating methods, techniques and practices, location of facilities where such operating methods, techniques and practices are conducted, taking into account the nature of the material to be disposed;

(c) Methods for closing or upgrading open dumps for purposes of eliminating potential health hazards;

(d) Population density, distribution, and projected growth;

(e) The type/s and location of solid waste transport facilities;

(f) The profile of sources, including industrial, commercial, domestic and other sources;

(g) The characterization and generation rates of waste;

(h) The political, economic, organizational, financial and management problems affecting comprehensive solid waste management; and

(i) Practical applications of environmentally sound techniques of waste minimization such as, but not limited to, resource conservation, segregation at source, recycling, resource recovery, reuse and composting.

SEC. 10. *Role of Local Government Units.* - All local government units shall, pursuant to the relevant provisions of R.A. No. 7160 or the Local Government Code and subject to the review of the Department as provided herein, enforce the provisions of this

Act within their respective jurisdictions.

They shall design their own solid waste management action plans that shall provide for effective reduction of the volume of solid waste through local waste characterization and the application of specific measures for resource conservation, segregation at source, recycling, reduction, resource recovery, reuse and composting measures, impose limitations and/or standards on existing or potential sources within their jurisdictional boundaries, and provide for adequate collection, treatment and disposal services. Such action plans shall be submitted to the Department for review.

If the Department finds the local government unit's action plan adequate, it shall recommend its implementation: Provided, That the Department shall maintain its authority to independently inspect the enforcement procedure adopted: Provided, *further*, That the Department shall have the power to take over all or parts of a local government unit plan if the local government unit concerned lacks the capability or fails to meet or fairly enforce the provisions of its plan.

SEC. 11. *Guidelines for Solid Waste Management at the Local Government Unit Level.* - Within six (6) months from the effectivity of this Act, the Department shall establish guidelines for solid waste management which local government units shall consider in the drafting of their respective local solid waste management plans. Such guidelines shall:

(a) Provide a technical and economic description of the level of performance that can be attained by various available solid waste management practices which provide for the protection of public health and the environment;

(b) Describe levels of performance and appropriate methods and degrees of control that provide, at the minimum, for protection of public health and welfare through:

1) Protection of the quality of groundwater and surface waters from leachate and run-off contamination;

2) Disease and epidemic prevention and control;

3) Prevention and control of offensive odor;

4) Safety and aesthetics; and

(c) Provide minimum criteria to be used by the local government units to define those solid waste management practices, which constitute open dumping and are to be prohibited. As much as practicable, such guidelines shall also include minimum information for use in deciding the adequate location, design, and construction of facilities associated with solid waste management practices, including the consideration of regional, geographic, demographic, and climatic factors.

SEC. 12. *Local Waste Management Action Plans.* - All solid waste management

action plans of local government units must comply with the following minimum requirements and shall:

(a) Identify the responsibilities of the local government unit in the implementation of its plan;

(b) Prohibit the establishment of new open dumps within the local government unit and require that all solid waste shall either be utilized for resource/energy recovery or disposed of in sanitary landfills, or otherwise disposed of in any other environmentally-sound manner;

(c) Provide for the phase-out or eventual closure, or upgrading into sanitary landfills, of all existing open dumps within the local government unit pursuant to the provisions of this Act;

(d) Provide that the local government unit shall not be prohibited from entering into long-term agreements for the supply of solid waste to resource recovery facilities; and

(e) Provide for resource conservation or recovery schemes and disposal of solid waste in sanitary landfills or any combination of practices, such as, but not limited to, segregation at source, recycling, reuse, and composting, as may be necessary to use or dispose of such waste in a manner that is environmentally-sound.

For purposes of compliance with paragraph (f) hereof, each local government unit plan shall contain a requirement that all existing disposal facilities or sites for solid waste which are open dumps shall comply with such measures as may be promulgated by the Secretary to eliminate health hazards and minimize potential health hazards.

Each action plan shall establish, for any entity which demonstrates that it has considered other public or private alternatives for solid waste management to comply with the prohibition on open dumping but is unable to utilize such alternatives to comply, a timetable or schedule for compliance which specifies a schedule or remedial measures, including an enforceable sequence of actions or operations leading to compliance with the prohibition on open dumping of solid waste within a reasonable time, which in no case shall exceed three (3) years.

SEC. 13. *National Solid Waste Information Database.* - The EMB shall establish an information database on solid waste generation and management techniques as well as the management, technical and operational approaches to source reduction. Entry and retrieval of information from this database shall be made available to the general public.

SEC. 14. *Source Reduction and Recycling Data Collection.* - Each owner or operator of a facility is hereinafter required to submit to the Department a toxic chemical source reduction and recycling report for the preceding year of their operation. The

Department shall specify, in the implementing rules and regulations of this Act, the items that should be included in the report as well as the corresponding fines and penalties for non-compliance.

SEC. 15. *Guidelines for Identification of Common Solid Waste Management Problems.* - For purposes of encouraging and facilitating the development of local government action plans for solid waste management, the Department shall, as soon as practicable but not later than three (3) months from the effectivity of this Act, publish guidelines for the identification of those areas which have common solid waste management problems and are appropriate units for clustered solid waste management services.

SEC. 16. *Establishment of Regional Waste Treatment and Disposal Facilities.* - All cities and municipalities are hereby mandated to establish regional waste disposal facilities to be situated in a location agreed upon by them. The Environmental Management Bureau of the DENR shall provide technical assistance to the local government units.

SEC. 17. *Prohibition against Open Dumping of Solid Waste.* - Any solid waste management practice or disposal of solid waste which constitutes the open dumping of solid waste is hereby prohibited, except in the case of any practice or disposal of solid waste under a timetable or schedule for compliance established under Section 12.

SEC. 18. (a) *Access Entry.* - For purposes of developing or assisting in the developing of any regulation or enforcing the provisions of this Act, any person who generates, stores, treats, transports, disposes of, or otherwise handles solid wastes, upon the request of any officer of the Department with at least the rank of a director, or upon the request of a duly designated officer or employee of a local government unit having authority pursuant to its relevant ordinance or solid waste management action plan, shall furnish, or permit authorized persons, at all reasonable times, access to any or all records, if any, relating to such solid wastes.

For purposes of developing or assisting in the development of any regulation or enforcing the provisions of this Act, such officers are authorized to enter, at reasonable times, any establishment or other place maintained by any person where solid wastes are generated, stored, treated, or disposed of.

(b) *Availability to Public* - Any records, reports, of information obtained from any person under this section shall be available to the public. However, upon a satisfactory showing to the Secretary or the local government unit, as the case may be, by any person that such documents or particular parts thereof, if made public, would divulge information entitled to protection under existing laws, the Secretary or the local

government unit, as the case may be, shall consider such information or particular portions thereof confidential in accordance with the purposes of the existing laws. Such documents or portions thereof may be disclosed to other officers, employees, or authorized representatives of the local government units concerned with carrying out the provisions of this Code, or when relevant in any proceeding under this Code.

SEC. 19. *Public Education and Information.* - The Department shall, in coordination with the DILG, the PIA, and other concerned agencies, conduct a continuing education and information campaign on solid waste management. Such education and information program shall:

- (a) Aim at developing public awareness of the ill-effects of the solid waste problem and demonstrating what the public can do to minimize, if not resolve, it;
- (b) Concentrate on activities which are feasible and which will have the greatest impact on the solid waste problem of the country, like resource conservation and recovery, recycling, segregation at source, reuse, reduction and composting of solid waste; and
- (c) Encourage the general public and the non-governmental and people's organizations to publicly endorse and patronize products that are recyclable, durable, and repairable and those that are not over-packaged.

SEC. 20. *Environmental Education in the Formal and Non-Formal Sectors.* - The national government, through the DECS and in coordination with concerned government agencies and non-governmental organizations and private institutions, shall strengthen the integration of environmental concerns in school curricula at all levels, with particular emphasis on the theory and practice of waste management principles like waste minimization, specifically resource conservation and recovery, segregation at source, reduction, recycling, reuse and composting, in order to promote environmental awareness and action among the citizenry.

SEC. 21. *Business and Industry Role.* - The Department, in coordination with the DTI and the DOST, shall encourage the business and industrial sector, through the formulation of appropriate incentives, to manufacture environment-friendly products, to introduce, develop and adopt innovative processes that recycle and reuse materials, conserve raw materials and energy, reduce waste, and prevent pollution, and to undertake community activities to promote effective solid waste management practices.

CHAPTER III
CIVIL LIABILITIES/PENAL PROVISIONS

SEC. 22. *Penalties.* - Any person who shall litter or throw garbage, filth, or other waste matters in public places, such as roads, sidewalks, canals, esteros, parks,

establishments and others, shall, upon conviction, be punished with a fine of not less than Three hundred pesos (P300.00) but not more than Six thousand pesos (P6,000.00) or imprisonment of not less than fifteen (15) days but not more than two (2) years, or both, in the discretion of the Court.

Any person who violates Section 18 of this Act shall, upon conviction, be punished with a fine of not less than Twenty thousand pesos (P20,000.00) but not more than Fifty thousand pesos (P50,000.00) or imprisonment of not less than two (2) years but not more than six (6) years, or both, in the discretion of the Court.

If the offense is committed by a corporation, partnership, or other juridical entity duly organized in accordance with law, the chief executive officer, president, general manager, managing partner or such other officer-in-charge of the business operations shall be liable for the commission of the offense penalized under this Act.

If the offender is an alien, he shall, after service of the sentence prescribed above, be deported without further administrative proceedings.

CHAPTER IV

MISCELLANEOUS PROVISIONS

SEC. 23. *Establishment of a Multi-Purpose Environment Cooperative in every LGU.* - Multi-purpose environment cooperatives shall be encouraged and promoted in every LGU to execute and oversee solid waste management in their areas. They shall be responsible for the implementation of a zero-waste resource management system.

SEC. 24. *Grants to Local Government Units.* - The National Government shall provide grants to any local government unit that establishes and adopts innovative solid waste management programs including the promotion of the use of source reduction strategies and techniques by businesses, schools and government offices in their respective localities as well.

SEC. 25. *Capital Fund for Local Cooperatives.* - The Land Bank of the Philippines, with support from other private funding institutions, shall be encouraged to set aside seed capital for this purpose and shall serve as the main depository. It shall be responsible for the evaluation and approval of loans and/or grants to Local Cooperatives.

SEC. 26. *Establishment of a Municipal/City/Province Recycling Program.* - In accordance with this Act, a Municipal Recycling Program for every municipality/city/provincial is hereby established to generate maximum participation among the respective residents in the area.

An education-information campaign on such program shall be launched in every area of responsibility in coordination with the concerned LGU officials.

SEC. 27. *Incentives and Rewards.* - The following incentives shall be provided to companies which reduce their on-stream waste in accordance with the standards established by the Department:

- a) Tax holidays for the first seven (7) years of operation;
- b) Exemption from all kinds of custom and tariff duties on the importation of equipment and other materials necessary for the production; and
- c) Corresponding tax credit for the total amount of investments made in installing source reduction facilities in the business.

In addition to the abovementioned tax incentives, the Department shall institutionalize an annual rewards system to recognize outstanding and innovative applications of source reduction strategies and techniques in business, in the academe, and in the national and local levels.

SEC. 28. *Appropriations.* - For the initial operating expenses of the National Council, the amount of Twenty million pesos (P20,000,000.00) is hereby appropriated. Thereafter, it shall submit to the Department of Budget and Management its proposed budget for inclusion in the General Appropriations Act.

CHAPTER V

FINAL PROVISIONS

SEC. 29. *Separability Clause.* - If, for any reason, any provision of this Act is declared unconstitutional or invalid, such sections or parts not affected thereby shall remain in full force and effect.

SEC. 30. *Repealing Clause.* - All laws, decrees, issuances, rules and regulations, or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SEC. 31. *Effectivity.* - This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Adopted.

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ELEVENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES) S.S.
First Regular Session)

'98 AUG 31 P2:25

SENATE
P.S. Res. No. 165

RECEIVED BY:

Introduced by SENATOR LOREN LEGARDA-LEVISTE

RESOLUTION
URGING THE SENATE COMMITTEE ON ENVIRONMENT AND NATURAL
RESOURCES TO INQUIRE, IN AID OF LEGISLATION, INTO THE DISPOSAL OF
NON-BIODEGRADABLE PACKAGING MATERIALS FROM FAST FOOD
ESTABLISHMENTS FOR THE PURPOSE OF ASSESSING THE IMPLEMENTATION OF
ECOLOGICAL SOLID WASTE MANAGEMENT POLICIES

WHEREAS, the rapidly growing cities and municipalities of Metro Manila now generate approximately 5,500 metric tons of garbage daily;

WHEREAS, the MMDA allegedly spends around P750 million pesos a year or about 55% of its total budget for solid waste management and local government units allot similarly huge portions of their budgets to collection and disposal of garbage;

WHEREAS, despite government efforts, the garbage disposal problems of Metro Manila and other urban centers across the country continue to plague the residents of these areas;

WHEREAS, a survey conducted in 1997 by a JICA Study Team reported that around 3,500 tons or 73% of total waste discharged per day in Metro Manila is collected by government for disposal while 1,308 tons or 25% is illegally dumped into vacant lots, canals, creeks, esteros, and rivers mostly by domestic sources;

WHEREAS, the waste generated in Metro Manila in 1997 consisted of about 45% biodegradable and 55% non-biodegradable waste, with 16% plastic and polystyrene composition;

WHEREAS, the uncollected garbage, the most visible of which is plastic and polystyrene packaging material from the fast food establishments that have mushroomed everywhere, eventually finds its way into and clogs storm drains and canals, causing floods and epidemics that disrupt economic, social and educational activities in vast areas and threaten the health and lives of many people;

WHEREAS, the volume of plastic and polystyrene waste, including such types like glass, metal, and rubber, must be reduced either through the outright limitation of their use or the enforcement of waste reduction systems like recycling or reuse;

WHEREAS, recycling as a system for diverting potential raw materials from the waste stream and returning them to productive use in the economy was extolled on Earth Day 1970 because it saves trees, in 1990 because it saves money, and today because it is both ecologically and economically beneficial;

WHEREAS, except for the Material Recovery Facilities Program of the DENR which set up seven (7) pilot sites in different parts of the archipelago, ecological waste management efforts have been generally isolated and short-lived and at present, only account for a low 4 to 6% of total waste disposed;

WHEREAS, this is due in part to the lack of a strong support mechanism for coordinating and promoting non-governmental organizations and other volunteer groups that undertake community organizing activities for such projects;

WHEREAS, in order to improve the share of recycling and material recovery systems to a level that will ensure protection of public health and environment, the valuable knowledge and expertise gained from these numerous experiments should be recognized, sustained and more widely disseminated by government in all communities throughout the country; NOW, THEREFORE:

BE IT RESOLVED, AS IT IS HEREBY RESOLVED, to urge the Senate Committee on Environment and Natural Resources to Inquire, in Aid of Legislation, into the Disposal of Non-Biodegradable Packaging Materials from Fast Food Establishments for the Purpose of Assessing the Implementation of Ecological Solid Waste Management Policies.

Adopted,

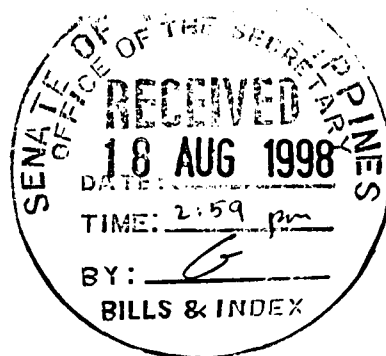


LOREN LEGARDA-LEVISTE

Senator

ELEVENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
First Regular Session)

SENATE
P. S. Res. No. 129



Introduced by Senator Ramon B. Revilla

RESOLUTION

DIRECTING THE APPROPRIATE SENATE COMMITTEE(S) TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, INTO THE ENVIRONMENTAL AND HEALTH IMPACTS OF PROPOSED CONSTRUCTION AND OPERATION OF VARIOUS INCINERATORS AT EXISTING DUMPSITES IN THE COUNTRY AND FOR OTHER PURPOSES

Whereas, the Constitution provides that the State shall protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature;

Whereas, adequate and acceptable disposal facilities must be developed to augment the existing disposal sites in the Metropolitan Manila areas which, according to the Metro Manila Development Authority (MMDA), will either be closed before or filled to its optimum capacity before the turn of the next millennium;

Whereas, this perennial garbage problem in the country has augmented the flood problem due to clogged water ways caused by mismanagement of the garbage disposal systems in the country and irresponsibility of the public at large in following garbage disposal regulations;

Whereas, some local government officials have announced that among solid waste management systems proposed and submitted, the construction and operation of incinerators, particularly the "waste-to-energy" model, is being seriously considered as an alternative solution to the garbage crisis;

Whereas, the proponents and supporters of "waste-to-energy" facilities contend that this, with its substantial volume of garbage reduction, is a viable technology option at present that can efficiently clean up a huge portion of the garbage problem in the country;

Whereas, it is estimated that the remaining landfills would be unable to accommodate the huge amount of daily garbage collected from the highly urban centers in the country, in view of the 1997 Department of Environment and Natural Resources data which indicated that the problem of garbage disposal in the country has become increasingly serious in recent years considering that up to 8,100 tons of garbage are collected everyday in Metro Manila alone;

Whereas, oppositors of incinerator plants, on the contrary, among them are environmental experts and non-governmental organizations (NGOs) active in the promotion of waste reduction, resource recovery, reuse and recycling, refute the contentions of incinerator proponents and noted that there is a growing preference worldwide for recycling, composting and other conversion applications, not only because such are now less expensive and more environment-friendly but also because they convert waste into usable raw or intermediate material to be used in the production of an economic good;

Whereas, incinerator plants produce emissions such as dioxins, furans and other products of incomplete combustion which are toxic, persistent and can reach concentrations that are hazardous and harmful to human beings and other living things;

Whereas, there is an urgent need to review and examine the adverse impacts on the environment and on human health of toxic incinerator emissions and by-products and the substantial cost and benefit that alternative treatment systems may pose to the economic, social, cultural and other aspects of our society as a whole;

Whereas, there is an urgent need for a formal national policy on solid waste management which will effectively direct the efforts of local government units, the private sector, environmental units and other stakeholders to address the garbage problem in the country;

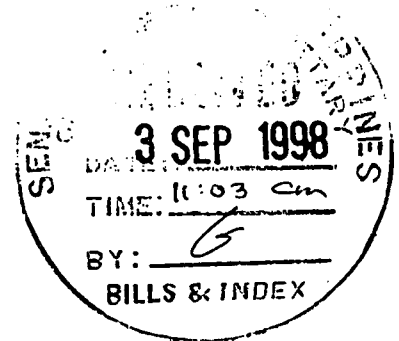
Whereas, there is a need to explore means of reducing the volume of solid waste generated by communities and industries, including the integration of waste minimization, waste segregation and composting strategies as components of a comprehensive approach to the problem of mounting garbage in the country;

NOW, THEREFORE, BE IT RESOLVED, as it is hereby resolved by the Senate of the Philippines, to direct the appropriate Senate Committee(s) to conduct an inquiry, in aid of legislation, into the environmental and health impacts of the construction and operation of various incinerators at existing dumpsites in the country.

BE IT ALSO RESOLVED that the result of said inquiry will be made a basis for enacting appropriate legislative measures to address such issues.

Adopted,


RAMON B. REVILLA
Senator



SENATE
P.S. Res. No. 179

Introduced by Senator Biazon

RESOLUTION DIRECTING
THE APPROPRIATE SENATE COMMITTEE TO CONDUCT
AN INQUIRY IN AID OF LEGISLATION INTO THE DANGER POSED BY
THE CONTINUED OPERATION OF THE SAN MATEO LANDFILL
ON THE WATER SUPPLY OF METRO MANILA

WHEREAS, the San Mateo Landfill which occupies a basin-like 73-hectare land area absorbs a daily average of 8,000 to 9,000 cubic meters of garbage from Metro Manila and four Rizal towns;

WHEREAS, the San Mateo Landfill is under the management of the Metro Manila Development Authority (MMDA) and started its operation on 16 February 1991;

WHEREAS, the MMDA claims that the landfill operation uses the most sanitary form of garbage disposal which is widely used in most first-world countries;

WHEREAS, the most serious flaw in the operation of the landfill is not in its garbage disposal system but in its location;

WHEREAS, the landfill is situated within the 279.8 hectare Marikina Watershed Reservation that is in violation of R.A. 7586, also known as the National Integrated Protected Area System or the NIPAS Act;

WHEREAS, former Department of Environment and Natural Resources Secretary Angel Alcala has strongly recommended the "dismantling of all facilities and infrastructure in the garbage dump site and the transfer of the garbage disposal operations to another area outside of the Marikina Watershed Reservation";

WHEREAS, the landfill's wastewater is discharged into an unnamed creek which is a tributary of the Bosoboso River, whose water in turn ultimately leads to the Laguna de Bay which is now being tapped as a source of potable water;

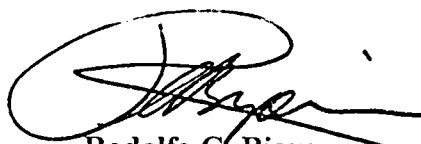
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WHEREAS, the NAWASA plans to further expand the water rationing due to the critical water level in the La Mesa Dam which is in its lowest in more than twenty (20) years;

WHEREAS, the continued operation of the San Mateo Landfill poses a serious threat to the already depleted water supply of Metro Manila and other adjacent areas:
Now, therefore, be it

Resolved by the Senate, as it is hereby resolved, that the appropriate committee conduct an inquiry in aid of legislation into the danger posed by the continued operation of the San Mateo Landfill on the water supply of Metro Manila.

Adopted.


Rodolfo G. Biazon
Senator

ELEVENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
First Regular Session)

'98 AUG 17 P2:12

RECEIVED BY: 6

SENATE
P. S. Res. No. 120

Introduced by Senator Ramon B. Revilla

RESOLUTION

DIRECTING THE APPROPRIATE SENATE COMMITTEE(S) TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, INTO THE PROPRIETY AND NECESSITY OF ESTABLISHING A COMPREHENSIVE AND NATIONWIDE GARBAGE DISPOSAL SYSTEM, WITH THE END IN VIEW OF RECOMMENDING THE APPROPRIATE ENVIRONMENTALLY FRIENDLY LEGISLATIVE MEASURES THEREFOR

Whereas, the Constitution provides that the State shall protect and advance the right of the people to a balanced and healthful ecology in accordance with the rhythm and harmony of nature;

Whereas, it is a recognized fact that solid waste disposal management in the Metro Manila area and other highly urban centers in the country have not been satisfactory, as evident from the frequent outbreak of diseases, clogging of drainage, sewer and river systems resulting in floods every monsoon season;

Whereas, this perennial garbage problem in the country has recently augmented the flood problem due to clogged water ways caused by mismanagement of the garbage disposal system and irresponsibility of the public at large in following garbage disposal regulations;

Whereas, the Department of Environment and Natural Resources has released a statement in the June 04, 1997 issue of the Philippine Daily Inquirer that the problem of garbage disposal has become increasingly serious in recent years considering that up to 8,100 tons of garbage are collected everyday in Metro Manila alone;

Whereas, the method of garbage disposal presently adopted by the government is the dumping of wastes and garbage collected from the Metropolis into landfills;

Whereas, it is estimated that the remaining landfill would be unable to accommodate the huge amount of daily garbage collected from the Metropolis alone;

Whereas, the present method of dumping these garbage into landfills have caused the water near these areas to be contaminated resulting in the deterioration of the health of people living near these areas;

Whereas, it is imperative that government and private agencies engage in waste disposal management to fast track and implement plans necessary to address this environmental and health problem;

Whereas, there is a need to explore means of reducing the volume of solid waste generated by communities and industries, including the integration of waste minimization, waste segregation and composting strategies as components of a comprehensive approach to the problem of mounting garbage in the country;

NOW, THEREFORE, BE IT RESOLVED, as it is hereby resolved by the Senate of the Philippines, to direct the appropriate Senate Committee(s) to conduct an inquiry, in aid of legislation, into the propriety and necessity of establishing a comprehensive and nationwide garbage disposal system, with the end in view of recommending the appropriate environmentally friendly legislative measures and for other purposes.

BE IT ALSO RESOLVED that the result of said inquiry will be made a basis for enacting legislative measures to correct and address such issues.

Adopted,


RAMON B. REVILLA
Senator

Eleventh Congress of the)
Republic of the Philippines) S.S.
First Regular Session)

'99 JAN 29 A9:03

SENATE

RECEIVED BY: foo

P.S. Res. No. 349

Introduced by Senator LOREN LEGARDA-LEVISTE

RESOLUTION

DIRECTING THE SENATE COMMITTEES ON ENVIRONMENT AND NATURAL RESOURCES AND HEALTH AND DEMOGRAPHY TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, INTO THE COMPLAINT OF RESIDENTS OF METRO MANILA THAT THE DUMPING OF TONS OF GARBAGE, RAW SEWAGE AND TOXIC WASTES INTO MANILA'S WATERWAYS AND EVENTUALLY, INTO MANILA BAY HAS REACHED PROPORTIONS THAT POSE "CLEAR AND PRESENT DANGER" TO PUBLIC HEALTH

WHEREAS, it is the policy of the State to protect and promote the right to health of the peoples and instill health consciousness among them and to a balanced and healthful ecology in accord with the rhythm and harmony of nature;

WHEREAS, the Manila Bay, the foremost port in the Philippines, which has enjoyed international fame for its historical significance as well as its beautiful sunsets, is the receiving body of 131 major river systems and creeks in its watershed, including those in Metro Manila;

WHEREAS, this Bay is a major fishing ground and habitat for mussels and other marine animals of economic value on which resources thousands of fisher families residing in the coastal towns around the Bay are dependent for their livelihood;

WHEREAS, the 1996 Manila Bay Integrated Coastal Resources Management Plan cited the Bay as a highly polluted body of water that had been "used as a convenient dumping ground and septic tank of various waste materials of man's domestic and industrial activities";

WHEREAS, a news article published today by the Philippine Star reports that the Philippines generates an estimated 6.5 million tons of toxic wastes annually that Philippine-based companies are forced to keep in temporary storage systems because of the lack of a central waste treatment facility for toxic and hazardous waste;

WHEREAS, Manila Bay, on whose shores Metro Manila, the Philippines' most industrialized as well as most densely populated metropolis, lies, has been reported to receive the bulk of the country's uncollected and improperly disposed garbage, raw sewage and toxic wastes;

WHEREAS, the DENR-DANIDA Pasig River Rehabilitation Program (PRRP) reports that in 1997 the waters of Manila Bay greatly exceeded the DENR standards for total coliform (Class SC for bathing water and fish production) of 5000 mpn/100ml (geom. mean) and for fecal coliform (Class SB for bathing) of 200 mpn/100ml in many of its ten (10) monitoring stations;

WHEREAS, the highest median values of total and fecal coliform measured for 1996-97 were monitored at the Navotas Fish Port (150,000 & 85,000 MPN/100ml), at Luneta Park (32,000 & 10,500 MPN/100ml), and at Celebrity Beach Resort (27,000 & 13,000 MPN/ml);

WHEREAS, in addition to land-based sources of pollution, numerous oil and chemical spills, accidents, and discharge of bilge water and other waste from ships and sea-going vessels that dock in this great harbor have contributed their share in polluting the Bay; NOW, THEREFORE:

BE IT RESOLVED, As It Is Hereby Resolved, To Urge The Senate Committees On Environment And Natural Resources And Health And Demography To Conduct An Inquiry, In Aid Of Legislation, Into The Complaint Of Residents Of Metro Manila That The Dumping Of Tons Of Garbage, Raw Sewage And Toxic Wastes Into Manila's Waterways And Eventually, Into Manila Bay Has Reached Proportions That Pose "Clear And Present Danger" To Public Health.

Adopted,


LOREN LEGARDA-LEVISTE
Senator

/rpm/manila bay civil action resolution

98
2/2

ELEVENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
First Regular Session)

'99 JAN 22 A10:48

SENATE

RECEIVED BY:

P.S.R. No. 343

Introduced by Senator Robert S. Jaworski

RESOLUTION

IN AID OF LEGISLATION, DIRECTING THE SENATE COMMITTEES ON ENVIRONMENT AND NATURAL RESOURCES AND LOCAL GOVERNMENT TO LOOK INTO THE WASTE DISPOSAL PROBLEM IN THE COUNTRY WITH THE END VIEW OF FINDING THE BEST ALTERNATIVE FOR THE PROPER DISPOSAL AND/OR TREATMENT OF METRO MANILA'S GARBAGE AND FOR OTHER PURPOSES

WHEREAS, it is the policy of the State to ensure a balanced and healthful ecology for its people;

WHEREAS, Metro Manila generates 6,600 metric tons of garbage daily and this increases by approximately ten percent yearly;

WHEREAS, Metro Manila's garbage are dumped in the Payatas and San Mateo landfill areas for proper treatment and disposal;

WHEREAS, some 5,000 tons of garbage coming from Metro Manila residents are allegedly being dumped in the San Mateo landfill everyday;

WHEREAS, the closure of the garbage dumpsites in Carmona, Cavite and Payatas, Quezon City in 1998 has posed a problem to local governments on where to bring their garbage;

WHEREAS, mounds of trash have started to pile in Metro Manila thereby threatening the health of the people;

WHEREAS, Metro Manila Development Authority (MMDA) officials have brought Metro Manila's garbage to the San Mateo dumpsite however, residents of the municipality have vehemently opposed this prompting them to barricade routes leading to the dumpsite;

WHEREAS, the national government has allegedly allowed continued dumping of Metro Manila's garbage in San Mateo;

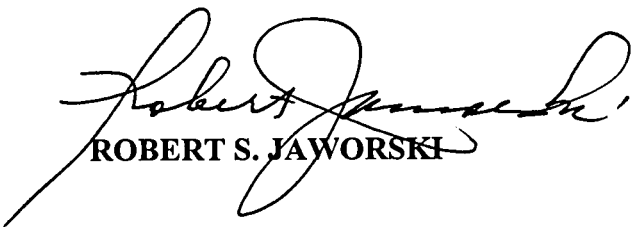
WHEREAS, water contamination threatens the health and the environment of the people living in Metro Manila and its neighboring provinces since the San Mateo landfill is situated near the Wawa Dam which is located within a watershed area;

WHEREAS, local officials of Rizal province have remained firm in their position to close down the site and not let the MMDA garbage trucks unload tons of garbage arguing that liquid excretes from the dumpsite are seeping through the soil and contaminating their water supply;

WHEREAS, the lack of a dumpsite that can accommodate Metro Manila's garbage has become a pressing problem to the national government and must be immediately addressed in order to avoid its detrimental effects to health and the environment;

WHEREFORE, BE IT RESOLVED AS IT IS HEREBY RESOLVED, That the Senate Committees on Environment and Natural Resources and Local Government be directed to look into the waste disposal problem in the country with the end view of finding the best alternative for the proper disposal and/or treatment of Metro Manila's garbage and for other purposes.

Adopted,


ROBERT S. JAWORSKI

ELEVENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES) S.S.
First Regular Session)

'99 JAN 20 A9:58

SENATE

RECEIVED BY: 6

P.S. Res. No. 340

Introduced by SENATOR LOREN LEGARDA-LEVISTE

RESOLUTION

URGING THE SENATE COMMITTEES ON ENVIRONMENT AND NATURAL
RESOURCES AND ON LOCAL GOVERNMENT TO INQUIRE, IN AID OF
LEGISLATION, INTO THE SOLID WASTE MANAGEMENT PROBLEMS OF
METRO MANILA AND THE PROTEST OF THE LOCAL COMMUNITIES TO THE
CONTINUED OPERATION OF THE SAN MATEO LANDFILL BY THE METRO
MANILA DEVELOPMENT AUTHORITY

WHEREAS, the average waste generation of Metro Manila was estimated at 5,345 tons/day in 1997 and projected to reach 10,312 tons/day by 2010, according to the 1997 JICA SWM Study for Metro Manila;

WHEREAS, around 73% of this waste has been collected and hauled for disposal at the lone operating dumpsite in San Mateo, Rizal because of the limited use of the Payatas dumpsite in Quezon City which is now filled to capacity and the closure of the Carmona site;

WHEREAS, the San Mateo Landfill has rapidly expanded from an original area of about 6 hectares in 1991 to the present 100 hectares in order to accommodate Metro Manila's waste;

WHEREAS, since Saturday, January 15, 1999, human barricades formed by the residents of Antipolo City, San Mateo and Montalban, Rizal as well as their local officials have been preventing garbage trucks from entering the landfill and disposing of wastes in protest of the health hazards and traffic problems brought about by its continued operation;

WHEREAS, despite assurances from the MMDA officials regarding their resolve to make the landfill hazard-free and to enforce proper handling practice among garbage collectors, the protesters and the Metro Manila Development Authority have failed to agree on an immediate solution to the problem;

WHEREAS, in the absence of concrete actions by the MMDA to address the issues raised by the protesters at the San Mateo Sanitary Landfill, Metro Manila's refuse threatens to pile up into a major garbage crisis;

WHEREAS, studies have been conducted, the latest and most comprehensive of which is the 1997 JICA Study, for the formulation of short and long-term solutions, the selection of alternative sites and the feasibility of projects that have been proposed for the institutionalization of an adequate solid waste management system for Metro Manila;
NOW, THEREFORE:

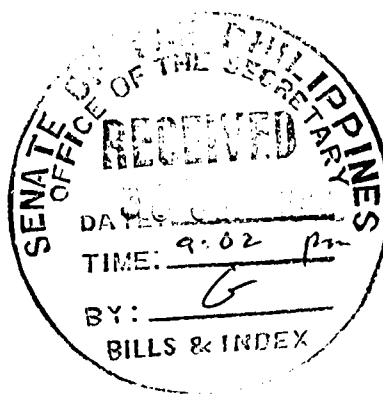
BE IT RESOLVED, as it is hereby resolved, to urge the Senate Committees On Environment And Natural Resources And On Local Government To Inquire, In Aid Of Legislation, Into The Solid Waste Management Problems Of Metro Manila And The Protest Of The Local Communities To The Continued Operation Of The San Mateo Landfill By The Metro Manila Development Authority.

Adopted.


LOREN LEGARDA-LEVISTE
Senator 

/rpm/swm-san mateo barricade

ELEVENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
First Regular Session)



S E N A T E

S. No. 519

Introduced by Senator Revilla

EXPLANATORY NOTE

One of the principal aims of our government is to effect social, economic and political reforms through discipline and order. A healthy citizenry and balanced ecology are vital factors in bringing about these reforms. In order to attain these objectives, it becomes the duty of every citizen and resident of the Philippines to keep his environment or surroundings clean and wholesome.

The continuous neglect by man of his environment has made the waste disposal management a perennial environmental problem in this country since time immemorial. One does not have to search for evidence of this neglect. The clogged waterways and sewerage systems in every corner of cities in Metro Manila and other urban areas in the Philippines bear witness to this fact. The wanton disposal of non-biodegradable waste, particularly the plastic bags, has so devastating an effect on public health and safety that it becomes imperative to address on public health and safety that it becomes imperative to address this environmental problem with immediacy. Even marine life is now endangered.

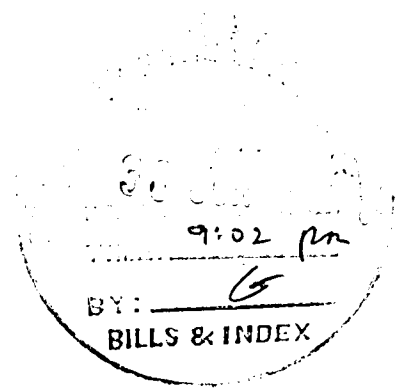
It is with this view that immediate approval of this bill is earnestly urged.


RAMON B. REVILLA
Senator

ELEVENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
First Regular Session)

S E N A T E

S. No. 579



Introduced by Senator Revilla

AN ACT
PROHIBITING THE USE OF PLASTIC BAGS, STYROFOAM, ALUMINUM
FOILS AND OTHER NON-BIODEGRADABLE MATERIALS, PRESCRIBING
PENALTIES THEREFOR AND FOR OTHER PURPOSES

*Be it enacted by the Senate and House of Representatives of
the Philippines in Congress assembled:*

SECTION 1. Any provision of existing laws to the contrary notwithstanding, the use of plastic bags, styrofoam, aluminum foils and other non-biodegradable objects as packaging materials is hereby prohibited.

SEC. 2. Any person who shall violate the provisions of this Act shall suffer an imprisonment of not less than fifteen (15) days nor more than two (2) years or a fine of not less than One thousand pesos (P1,000.00) nor more than Ten thousand pesos (P10,000.00) or both such fine and imprisonment at the discretion of the court.

If the violator is a corporation, firm, or other corporate entity, its business permit shall be revoked and the maximum penalty shall be imposed upon the president, manager, director or persons responsible for its operation.

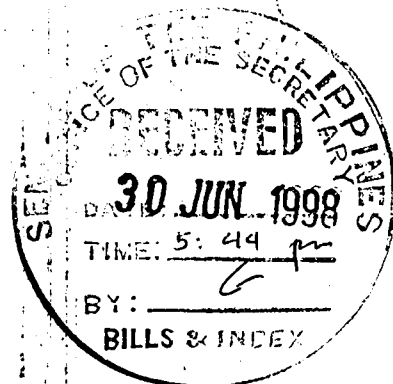
SEC. 3. This Act shall take effect fifteen (15) days after its complete publication in at least two (2) newspapers of general circulation.

Approved,

ELEVENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES
First Regular Session

SENATE
S.B. No.

329



Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

The Constitution, Article II, Section 16, recognizes the right to a healthy environment. The State is mandated to protect and advance the right of the people to a balanced and healthful ecology. Citizens are similarly obliged to protect it.

The Supreme Court declared in *Oposa v. Factoran* (224 SCRA 803):

xxxevery generation has a responsibility to the next to preserve that rhythm and harmony for the full enjoyment of a balanced and healthful ecology. Put a little differently, the minor's assertion of their right to a sound environment constitutes, at the same time, the performance of their obligation to ensure the protection of that right for the generations to come xxx This right to a balanced and healthful ecology carries with it the correlative duty to refrain from impairing the environment.

Plastic ring carriers are non-biodegradable. When thrown in the seas, these objects remain intact in the marine environment for decades. The objects pose a threat to fish and marine life.

This bill aims to protect our precious marine environment by requiring the use of degradable materials to eliminate the adverse effects caused by plastic ring carriers.

Miriam Defensor Santiago
MIRIAM DEFENSOR SANTIAGO

S E N A T E

S. No. 1595

(In substitution of S. Nos. 41, 75, 184, 329, 514,
519, 523, 960, 991, 1042, 1269, 1277)

Introduced by Senators Flavio, Osmeña III, Santiago,
Revilla, Honasan, Legarda-Leviste, Aquino-Oreta,
Biazon, Jaworski, Osmeña J., Enrile and Magsaysay, Jr.

AN ACT

INSTITUTING AN INTEGRATED ECOLOGICAL SOLID WASTE MANAGEMENT
PROGRAM, CREATING THE NATIONAL AND LOCAL SOLID WASTE
COUNCILS AND THE NECESSARY MECHANISMS AND INCENTIVES,
DECLARING CERTAIN ACTS PROHIBITED AND PROVIDING PENALTIES,
APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES

*Be it enacted by the Senate and House of Representatives of
the Philippines in Congress assembled:*

CHAPTER I

GENERAL PROVISIONS

SECTION 1. *Short Title.* - This Act shall be known and
referred to as the "Integrated ECOLOGICAL Solid Waste
Management Act of 2000."

SEC. 2. *Declaration of Policy.* - It is hereby declared
the policy of the State to adopt an integrated,
COMPREHENSIVE AND ECOLOGICAL waste management program, which
will:

a) Utilize environmentally sound methods that
maximize the utilization of valuable resources and encourage
resource conservation in all communities;

b) Set guidelines AND TARGETS for solid waste
AVOIDANCE AND volume reduction through SOURCE REDUCTION
AND waste minimization measures, including COMPOSTING,
recycling, reuse, recovery, GREEN-CHARCOAL PROCESS, and
others, before collection, treatment and disposal in
appropriate solid waste MANAGEMENT FACILITIES IN ACCORDANCE
WITH ECOLOGICALLY SUSTAINABLE DEVELOPMENT PRINCIPLES;

1 c) Ensure the proper segregation, collection,
2 transport, treatment and disposal of solid waste through the
3 formulation and adoption of ENVIRONMENTAL BEST PRACTICE IN
4 ECOLOGICAL WASTE MANAGEMENT EXCLUDING INCINERATION;

5 D) ENCOURAGE COMMERCIAL AND INDUSTRIAL ESTABLISHMENTS
6 TO IMPROVE THEIR ENVIRONMENTAL PERFORMANCE BY ADOPTING
7 CLEANER PRODUCTION PRACTICES AND SOURCE REDUCTION SCHEMES;

8 E) Retain primary enforcement responsibility for
9 solid waste management with the local government units while
10 encouraging relevant cooperative activities among
11 government agencies, non-governmental organizations (NGOs)
12 and the private sector;

13 F) Institutionalize public participation in the
14 development and implementation of national and local
15 integrated, COMPREHENSIVE AND ECOLOGICAL waste
16 management programs; and

17 G) Strengthen the integration in formal and non-
18 formal education courses of ECOLOGICAL solid waste management
19 and resource conservation and recovery in order to promote
20 environmental awareness and action among the citizenry.

21 SEC. 3. *Definition of Terms.* - For the purposes of
22 this Act:

23 a) Bureau - shall refer to the Environmental Management
24 Bureau;

25 **B) BUY-BACK CENTER - SHALL REFER TO A RECYCLING CENTER**
26 **THAT PURCHASES OR OTHERWISE ADOPTS RECYCLABLE MATERIALS FROM**
27 **THE PUBLIC FOR THE PURPOSE OF RECYCLING SUCH MATERIALS;**

28 C) COLLECTION - MEANS THE ACT OF REMOVING SOLID WASTE
29 FROM THE SOURCE OR FROM A COMMUNAL STORAGE POINT;

30 D) Composting - IS THE AEROBIC BIOLOGICAL
31 DECOMPOSITION OF ORGANIC MATERIALS OR BIODEGRADABLE WASTE
32 MATERIALS TO PRODUCE A STABLE HUMUS-LIKE PRODUCT CALLED
33 COMPOST, WHICH MAY BE USED AS A SOIL CONDITIONER OR ORGANIC
34 FERTILIZER;

1 E) CONTROLLED DUMP - MEANS A DISPOSAL SITE AT WHICH
2 SOLID WASTE IS DEPOSITED IN ACCORDANCE WITH THE MINIMUM
3 PRESCRIBED STANDARDS OF SITE OPERATION;

4 F) Department - shall refer to the Department of
5 Environment and Natural Resources;

6 G) DISPOSABLE PRODUCT - SHALL MEAN A PRODUCT WHICH IS
7 USED BY THE CONSUMER ONE OR MORE TIMES, AFTER WHICH IT IS
8 TYPICALLY DISPOSED OF WITHOUT FURTHER USE OR RECYCLING;

9 H) DISPOSAL - MEANS THE DISCHARGE, DEPOSIT, DUMPING,
10 SPILLING, LEAKING OR PLACING OF ANY SOLID WASTE INTO OR IN
11 ANY LAND;

12 I) DISPOSAL SITE - MEANS A SITE WHERE SOLID WASTE IS
13 FINALLY DISCHARGED AND DEPOSITED;

14 J) Fund - shall refer to the Solid Waste Management
15 Fund;

16 K) Generator - shall refer to a person, natural or
17 juridical, who last uses a material and makes it available
18 for disposal or recycling;

19 L) INDUSTRIAL SOLID WASTE - SOLID WASTE WHICH IS
20 GENERATED AS A RESULT OF THE MANUFACTURING AND/OR PRODUCTION
21 PROCESS;

22 M) Leachate - SHALL REFER TO THE LIQUID PRODUCED
23 WHEN WASTE UNDERGO DECOMPOSITION AND WHEN WATER PERCOLATES
24 THROUGH SOLID WASTES UNDERGOING DECOMPOSITION. IT IS
25 CONTAMINATED LIQUID THAT CONTAINS DISSOLVED AND SUSPENDED
26 MATERIALS;

27 N) Municipal Waste - shall refer to wastes produced
28 from activities within municipalities which include a
29 combination of domestic, commercial, institutional and
30 industrial wastes and street litters;

31 O) Open Dump - IS A DISPOSAL AREA WHEREIN THE SOLID
32 WASTES ARE INDISCRIMINATELY THROWN OR DISPOSED OF WITHOUT
33 DUE PLANNING AND CONSIDERATION TO ENVIRONMENTAL AND HEALTH
34 IMPACTS;

1 P) Opportunity to Recycle - shall refer to the act of
2 providing a place for collecting source-separated recyclable
3 material, located either at a disposal site or at another
4 location more convenient to the population being served, and
5 collection at least once a month of source-separated
6 recyclable material from collection service customers and to
7 providing a public education and promotion program that
8 gives notice to each person of the opportunity to recycle
9 and encourage source separation of recyclable material;

10 Q) Package - shall refer to any container used to
11 store, contain, transport, display or sell products,
12 excluding shipping containers or wrapping or other means of
13 storage or transportation of any consumer products in bulk;

14 R) Person(s) - shall refer to any being, natural or
15 juridical, susceptible of rights and obligations, or of
16 being the subject of legal relations;

17 S) Recyclable Material - SHALL REFER TO ANY WASTE
18 MATERIAL RETRIEVED FROM THE WASTE STREAM AND FREE FROM
19 CONTAMINATION THAT CAN STILL BE CONVERTED INTO SUITABLE
20 BENEFICIAL USE OR FOR OTHER PURPOSES, INCLUDING, BUT NOT
21 LIMITED TO NEWSPAPER, FERROUS SCRAP METAL, NON-FERROUS
22 SCRAP METAL, USED OIL, CORRUGATED CARDBOARD, ALUMINUM,
23 GLASS, OFFICE PAPER, TIN CANS AND OTHER MATERIALS AS MAY BE
24 DETERMINED BY THE COMMISSION;

25 T) Recycling - shall refer to the treating of used
26 or waste materials through a process of making them suitable
27 for beneficial use and for other purposes, and includes any
28 process by which solid waste materials are transformed into
29 new products in such a manner that the original products may
30 lose their identity, and which may be used as raw materials
31 for the production of other goods or services: *Provided,*
32 *That the collection, segregation and reuse of previously*
33 *used packaging material shall be deemed recycling under this*
34 *Act;*

1 U) Resource Recovery - REFERS TO THE COLLECTION,
2 EXTRACTION OR RECOVERY OF RECYCLABLE MATERIALS FROM THE
3 WASTE STREAM FOR THE PURPOSE OF RECYCLING, GENERATING ENERGY
4 OR PRODUCING A PRODUCT SUITABLE FOR BENEFICIAL USE:
5 PROVIDED, THAT, SUCH RESOURCE RECOVERY FACILITIES EXCLUDE
6 INCINERATION;

7 V) REUSE - MEANS THE PROCESS OF RECOVERING MATERIALS
8 INTENDED FOR THE SAME OR DIFFERENT PURPOSE WITHOUT THE
9 ALTERATION OF PHYSICAL AND CHEMICAL CHARACTERISTICS;

10 W) Sanitary Landfill - SHALL REFER TO A DISPOSAL
11 SITE WHICH IS DESIGNED, CONSTRUCTED, OPERATED, AND
12 MAINTAINED IN A MANNER THAT EXERTS ENGINEERING CONTROL OVER
13 SIGNIFICANT POTENTIAL ENVIRONMENTAL IMPACT ARISING FROM THE
14 DEVELOPMENT AND OPERATION OF THE FACILITY, IN PARTICULAR,
15 ENGINEERING OF THE SITE IS UNDERTAKEN TO CONTAIN AND
16 REGULATE THE UNCONTROLLED MIGRATION OF LEACHATE AND LANDFILL
17 GAS: PROVIDED, THAT SUCH SANITARY LANDFILL SHALL NOT BE
18 SITUATED IN ANY AQUIFER, GROUNDWATER RESERVOIR AND WATERSHED
19 AREA;

20 X) Schedule of Compliance - shall refer to a listing
21 of remedial measures, including an enforceable sequence of
22 actions or operations to be accomplished within a stipulated
23 time frame leading to compliance with a limitation,
24 prohibition, or standard set forth in this Act or any rule
25 or regulation issued pursuant thereto;

26 Y) Secretary - shall refer to the Secretary of the
27 Department of Environment and Natural Resources;

28 Z) SEGREGATION - MEANS A SOLID WASTE MANAGEMENT
29 PRACTICE OF SEPARATING DIFFERENT MATERIALS FOUND
30 IN SOLID WASTE IN ORDER TO PROMOTE RECYCLING AND REUSE OF
31 RESOURCES AND TO REDUCE THE VOLUME OF WASTE FOR COLLECTION
32 AND DISPOSAL;

33 AA) Segregation at Source - shall refer to a solid
34 waste management practice of separating, at the point of

1 origin, different materials found in solid waste in order to
2 promote recycling and reuse of resources and to reduce the
3 volume of waste for collection and disposal;

4 BB) Solid Waste - shall refer to all domestic and
5 municipal refuse, animal waste, crop residues and non-
6 hazardous waste such as commercial and institutional wastes,
7 street sweepings, and construction debris;

8 CC) SOLID WASTE MANAGEMENT - SHALL REFER TO
9 THE SYSTEMATIC ADMINISTRATION OF ACTIVITIES WHICH PROVIDE FOR
10 THE COLLECTION, SOURCE/SEPARATION, STORAGE, TRANSPORTATION,
11 TRANSFER, PROCESSING, TREATMENT, AND DISPOSAL OF SOLID
12 WASTE;

13 DD) SOLID WASTE MANAGEMENT FACILITY - SHALL REFER
14 TO ANY RESOURCE RECOVERY SYSTEM OR COMPONENT
15 THEREOF; ANY SYSTEM, PROGRAM, OR FACILITY FOR RESOURCE
16 CONSERVATION; ANY FACILITY FOR THE COLLECTION, SOURCE/
17 SEPARATION, STORAGE, TRANSPORTATION, TRANSFER, PROCESSING,
18 TREATMENT, OR DISPOSAL OF SOLID WASTE; AND

19 EE) HAZARDOUS WASTE - SHALL REFER TO TOXIC SUBSTANCES
20 SUCH AS CHEMICAL, BIOMEDICAL, INFECTIOUS AND RADIOACTIVE
21 WASTES WHICH CAN CAUSE HEALTH HAZARDS TO PEOPLE AND DAMAGE
22 THE ENVIRONMENT.

23 SEC. 4. *National COMMISSION ON Solid Waste Management.*
24 - There is hereby established a National COMMISSION
25 ON Solid Waste Management, hereinafter referred to
26 as the COMMISSION. THE COMMISSION SHALL BE COMPOSED OF TWELVE
27 (12) MEMBERS FROM THE GOVERNMENT SECTOR AND FOUR (4) MEMBERS
28 FROM THE PRIVATE SECTOR. THE GOVERNMENT SECTOR
29 SHALL BE REPRESENTED BY THE HEADS OF THE FOLLOWING AGENCIES
30 IN THEIR EX OFFICIO CAPACITY OR THOSE WHOEVER THEY MAY
31 DESIGNATE TO ATTEND THE MEETINGS PERMANENTLY:

32 A) DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES;

33 B) DEPARTMENT OF HEALTH;

34 C) DEPARTMENT OF SCIENCE AND TECHNOLOGY;

1 D) DEPARTMENT OF TRADE AND INDUSTRY;
2 E) DEPARTMENT OF PUBLIC WORKS AND HIGHWAYS;
3 F) DEPARTMENT OF AGRICULTURE;
4 G) DEPARTMENT OF THE INTERIOR AND LOCAL GOVERNMENT;
5 H) CHAIRMAN OF THE METRO MANILA DEVELOPMENT AUTHORITY
6 (MMDA) ;
7 I) PRESIDENT OF THE LEAGUE OF PROVINCIAL GOVERNORS;
8 J) PRESIDENT OF THE LEAGUE OF CITY MAYORS;
9 K) PRESIDENT OF THE LEAGUE OF MUNICIPAL MAYORS; AND
10 L) PRESIDENT OF THE ASSOCIATION OF BARANGAY COUNCILS;
11 THE PRIVATE SECTOR INCLUDING, BUT NOT LIMITED TO,
12 THE PACKAGING AND MANUFACTURING SECTOR, NON GOVERNMENT
13 ORGANIZATIONS AND ENVIRONMENTAL ADVOCACY GROUPS AND
14 ORGANIZATIONS SHALL BE APPOINTED BY THE PRESIDENT FOR
15 A TERM OF THREE (3) YEARS.

16 THE DENR MEMBER AND A PRIVATE SECTOR MEMBER OF THE
17 COMMISSION SHALL SERVE AS CHAIR AND CO-CHAIR RESPECTIVELY.
18 MEMBERS OF THE COMMISSION SHALL BE APPOINTED ON THE BASIS OF
19 THEIR INTEGRITY, HIGH DEGREE OF PROFESSIONALISM AND HAVING
20 DISTINGUISHED HIMSELF/HERSELF AS AN AUTHORITY IN
21 ENVIRONMENTAL AND RESOURCE MANAGEMENT. THE MEMBERS OF THE
22 COMMISSION SHALL SERVE AND CONTINUE TO HOLD OFFICE UNTIL
23 SUCCESSORS SHALL HAVE BEEN APPOINTED AND QUALIFIED. SHOULD A
24 MEMBER OF THE COMMISSION FAIL TO COMPLETE HIS/HER TERM, THE
25 SUCCESSOR SHALL BE APPOINTED BY THE PRESIDENT OF THE
26 PHILIPPINES BUT ONLY FOR THE UNEXPIRED PORTION OF THE TERM.
27 FINALLY, THE MEMBERS SHALL BE ENTITLED TO REASONABLE
28 TRAVELLING EXPENSES AND HONORARIA.

29 SEC. 5. *Powers and Functions of the COMMISSION.* - The
30 COMMISSION shall be primarily responsible for
31 promoting ecologically sound solid waste management
32 principles, strategies, and techniques. To this end, the
33 COMMISSION shall perform the following functions:

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1 a) FORMULATE THE NATIONAL **ECOLOGICAL** SOLID WASTE
2 MANAGEMENT FRAMEWORK IN ACCORDANCE WITH THE PROVISIONS OF
3 THIS ACT.

4 b) Assist the local governments in the establishment
5 of local solid waste management councils;

6 c) Coordinate the operation of local councils in the
7 provincial, municipal/city and barangay levels;

8 d) Develop and recommend ECOLOGICAL solid waste
9 management action plans to local government units **WHICH GIVE**
10 **PRIORITY TO SOURCE AND WASTE REDUCTION, RECYCLING AND**
11 **COMPOSTING PROGRAMS;**

12 E) ESTABLISH, AFTER NOTICE AND HEARING OF THE PARTIES
13 CONCERNED, STANDARDS, CRITERIA, GUIDELINES AND FORMULA
14 THAT ARE FAIR, EQUITABLE AND REASONABLE, IN ESTABLISHING
15 TIPPING CHARGES AND RATES THAT THE PROPONENT WILL CHARGE
16 IN THE OPERATION AND MANAGEMENT OF SOLID WASTE
17 MANAGEMENT FACILITIES AND TECHNOLOGIES;

18 F) DEVELOP SAFETY NETS AND ALTERNATIVE LIVELIHOOD
19 PROGRAMS FOR SMALL RECYCLERS AND OTHER SECTORS THAT WILL
20 BE AFFECTED AS A RESULT OF THE CONSTRUCTION AND/OR
21 OPERATION OF A SOLID WASTE MANAGEMENT RECYCLING
22 PLANT OR FACILITIES;

23 G) FORMULATE AND UPDATE A LIST OF RECYCLABLE AS WELL
24 AS NON-RECYCLABLE MATERIALS IN ACCORDANCE WITH THE
25 PROVISIONS OF THIS ACT;

26 H) Encourage PRIVATE SECTOR INITIATIVES,
27 PARTICIPATION AND INVESTMENTS resource recovery-based
28 livelihood programs for local communities;

29 I) ENCOURAGE ALL LOCAL GOVERNMENT AGENCIES AND ALL
30 LOCAL GOVERNMENT UNITS TO PATRONIZE PRODUCTS MANUFACTURED
31 USING RECYCLED AND RECYCLABLE MATERIALS;

32 J) PROPOSE AND ADOPT REGULATIONS REQUIRING THE SOURCE
33 SEPARATION AND POST SEPARATION COLLECTION, SEGREGATED

1 COLLECTION, PROCESSING, MARKETING AND SALE OF ORGANIC AND
2 DESIGNATED RECYCLABLE MATERIAL GENERATED IN EACH LOCAL
3 GOVERNMENT UNIT;

4 K) Study AND review the following:

5 i) Standards, criteria and guidelines for the
6 promulgation and implementation of an integrated national
7 solid waste management framework; and

8 ii) Criteria and guidelines for siting, design,
9 operation and maintenance of solid waste management
10 facilities.

11 SEC. 6. *MEETINGS.* - THE COMMISSION SHALL MEET
12 AT LEAST ONCE A MONTH. THE PRESENCE OF AT LEAST A MAJORITY
13 OF THE MEMBERS SHALL CONSTITUTE A QUORUM. THE CHAIRMAN OR IN
14 HIS ABSENCE A VICE CHAIRMAN SHALL BE THE PRESIDING OFFICER.

15 SEC. 7. *Local Government Units.* - Pursuant to the
16 relevant provisions of Republic Act No. 7160, or the Local
17 Government Code, the local government units shall be
18 primarily responsible for the implementation and enforcement
19 of the provisions of this Act within their respective
20 jurisdictions BY ESTABLISHING THEIR LOCAL ECOLOGICAL SOLID
21 WASTE MANAGEMENT COUNCILS: *PROVIDED, THAT FOR THE NATIONAL*
22 *CAPITAL REGION, THE METRO MANILA DEVELOPMENT AUTHORITY SHALL*
23 *BE GIVEN THE PRIMARY RESPONSIBILITY FOR THE IMPLEMENTATION*
24 *OF THIS ACT.*

25 The provincial, municipal, city and barangay
26 governments, through the local government sanggunians and in
27 consultation with the local solid waste management
28 councils, shall draft and adopt local ECOLOGICAL solid waste
29 management action plans and programs. In order to ensure
30 optimal utilization of valuable resources and encourage
31 resource conservation including waste minimization, in all
32 residential houses, commercial and industrial establishments,
33 educational institutions, agricultural, and other areas through
34 environmentally sound ECOLOGICAL solid waste management

1 techniques and mechanisms, the local health and/or general
2 services officers shall be responsible for the local
3 implementation of the national standards and guidelines as
4 well as of the local ordinances on local ECOLOGICAL solid
5 waste management.

6 The action plans shall be submitted by the local
7 executives to the COMMISSION WITHIN ONE (1) YEAR FROM THE
8 PROMULGATION OF THE FRAMEWORK TO ENSURE THAT THE ACTION
9 PLANS ARE IN ACCORDANCE WITH THE DECLARED POLICIES
10 UNDER THIS ACT.

11 In order to ensure enforcement of the provisions of
12 this Act, the local government units shall also:

13 A) ENSURE THE INTEGRATION OF **ECOLOGICAL** SOLID WASTE
14 MANAGEMENT PLANS INTO OTHER LOCAL DEVELOPMENT PLANNING
15 AND IMPLEMENTATION PROGRAMS AND ACTIVITIES;

16 B) enact and enforce local ordinances for the proper
17 segregation, collection, transport, storage, treatment and
18 disposal of solid waste, including permitting fees,
19 pollution and other charges, and penalties for violations:
20 *Provided*, That such ordinances shall be in accordance with
21 the national policy on ECOLOGICAL solid waste management and
22 the criteria/guidelines set by the COMMISSION for the
23 implementation of the provisions of this Act, and shall
24 enhance and promote waste prevention and the opportunity to
25 recycle;

26 C) extensively consult with the local solid waste
27 management councils with regard to general and expert
28 information, research, education and training, and
29 assessment of ECOLOGICAL solid waste management policy,
30 practices and techniques that promote waste prevention and
31 enhance the opportunity to **COMPOST AND** recycle; and

32 D) provide assistance and support for promoting
33 among local communities the opportunity to recycle through
34 facilitation of the location, establishment and operation of

1 local recycling centers and other private sector initiatives
2 for the implementation of the provisions of this Act.

3 SEC. 8. *The National Ecology Center.* - THERE SHALL BE
4 ESTABLISHED A National Ecology Center of the COMMISSION
5 WHICH shall provide consulting, information, training, and
6 networking services for the implementation of the provisions
7 of this Act.

8 In this regard, it shall perform the following
9 functions:

10 a) Facilitate training and education in ECOLOGICAL
11 SOLID WASTE MANAGEMENT;

12 b) Establish and manage a ECOLOGICAL SOLID WASTE
13 MANAGEMENT information data base:

14 1) ON ECOLOGICAL SOLID WASTE GENERATION AND MANAGEMENT
15 TECHNIQUES AS WELL AS THE MANAGEMENT, TECHNICAL AND
16 OPERATIONAL APPROACHES TO RESOURCE RECOVERY; AND

17 2) OF PROCESSORS/RECYCLERS, THE LIST OF MATERIALS
18 BEING RECYCLED OR BOUGHT BY THEM AND THEIR RESPECTIVE
19 PRICES;

20 C) PROMOTE THE DEVELOPMENT OF A RECYCLING MARKET
21 THROUGH THE ESTABLISHMENT OF A NATIONAL RECYCLING NETWORK
22 THAT WILL ENHANCE THE OPPORTUNITY TO RECYCLE;

23 D) Provide or facilitate expert assistance in pilot
24 modeling of SOLID WASTE MANAGEMENT facilities; and

25 E) Develop, test, and disseminate model waste
26 minimization and reduction auditing procedures for
27 evaluating options.

28 To this end, the National Ecology Center shall be
29 headed by THE Director OF THE BUREAU IN HIS EX OFFICIO
30 CAPACITY. It shall maintain a multi-sectoral, multi-
31 disciplinary pool of experts including those from the
32 academe, inventors, practicing professionals, business and
33 industry, youth, women and other concerned sectors, who

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1 shall be screened according to qualifications set by the
2 COMMISSION.

3 SEC. 9. *The Local Solid Waste Management*
4 *Councils.* - There shall be established in every province a
5 Provincial Solid Waste Management Council (PSWMC)
6 AND in every municipality or city, a Municipal or City
7 Solid Waste Management Council (M/CSWMC) for the
8 purpose of ASSISTING LOCAL GOVERNMENT UNITS IN preparing and
9 implementing local solid waste action plans in accordance
10 with the provisions of this Act. The local councils, in
11 coordination with the DECS and the DILG, shall provide
12 consulting, training, information and networking services
13 for the local government units.

14 Each local Solid Waste Management Council SHALL
15 be composed of the following:

16 a) the local government chief executive as Chairperson;

17 b) the local government health and/or general services
18 officer, whichever may be RECOMMENDED BY the local CHIEF
19 executive;

20 c) the local environment and natural resources officer
21 OR IF NOT AVAILABLE IN THE MUNICIPALITY, THE RECOMMENDEE OF
22 THE PROVINCIAL NATURAL RESOURCE OFFICER IN AN INTERIM
23 CAPACITY;

24 **D) THE LOCAL GOVERNMENT ENGINEER;**

25 E) a representative each of the League of Mayors and
26 the *Liga ng Mga Punong Barangay* of the province, or a
27 representative of the *Liga ng mga Punong Barangay* of the
28 city or municipality; and

29 F) A representative FROM THE private sector WHO SHALL
30 BE APPOINTED BY THE LOCAL GOVERNMENT CHIEF EXECUTIVE FOR A
31 TERM OF TWO (2) YEARS UNLESS REVOKED EARLIER.

32 SEC. 10. *Cooperative Activities.* - The COMMISSION
33 shall encourage cooperative activities by other
34 government agencies and the local government units for the

1 effective and efficient implementation of integrated
2 national ECOLOGICAL solid waste management action plans. It
3 shall also encourage the enactment of improved and, so far
4 as practicable in the light of varying conditions and needs,
5 uniform laws and local ordinances relating to
6 solid waste management to assure the utilization of all
7 appropriate and available facilities and resources of the
8 national government for the implementation of the National
9 ECOLOGICAL Solid Waste Management Framework.

10 **SEC. 11. MANDATORY SOURCE SEPARATION FOR RESIDENTIAL**
11 **AND COMMERCIAL PREMISES. - COMMENCING ONE (1) YEAR FROM THE**
12 **ENACTMENT OF THIS ACT, ALL OWNERS OR PERSONS IN CONTROL OF**
13 **ANY RESIDENTIAL OR COMMERCIAL PREMISES SHALL BE REQUIRED TO**
14 **SEPARATE FROM ALL OTHER REFUSE COLLECTED OR RECEIVED BY THE**
15 **MUNICIPALITY OR ANY OTHER COLLECTOR THE FOLLOWING ITEMS:**

- 16 A) NEWSPRINT;
17 B) OFFICE PAPER;
18 C) CARDBOARD;
19 D) GLASS BOTTLES AND JARS;
20 E) ALUMINUM CANS;
21 F) STEEL AND BI-METAL CANS;
22 G) FOOD AND ORGANIC WASTE;
23 H) TOXIC MATERIALS, INCLUDING BUT NOT LIMITED TO
24 BATTERIES, FLUORESCENT BULBS, PAINT AND THINNER
25 CANS, INSECTICIDE CONTAINERS AND SUCH OTHER ITEMS
26 AS MAY BE MANDATED BY THE COMMISSION.

27 **FOR PREMISES CONTAINING SIX (6) OR MORE RESIDENTIAL**
28 **UNITS, THE LOCAL GOVERNMENT UNIT SHALL PROMULGATE**
29 **REGULATIONS REQUIRING THE OWNER OR PERSON IN CHARGE OF SUCH**
30 **PREMISES TO:**

- 31 A) **PROVIDE FOR THE RESIDENTS A DESIGNATED AREA AND**
32 **CONTAINERS IN WHICH TO ACCUMULATE SOURCE SEPARATED**
33 **RECYCLABLE MATERIALS TO BE COLLECTED BY THE MUNICIPALITY OR**
34 **PRIVATE CENTER; AND**

1 B) NOTIFY THE OCCUPANTS OF SUCH BUILDINGS OF THE
2 REQUIREMENTS OF THIS ACT AND THE REGULATIONS PROMULGATED
3 PURSUANT THERETO.

4 SEC. 12. ESTABLISHING MANDATORY SOLID WASTE
5 REDUCTION, RECYCLING AND COMPOSTING PROGRAMS. - EACH LOCAL
6 GOVERNMENT UNIT SHALL WITHIN TWELVE (12) MONTHS AFTER THE
7 EFFECTIVITY OF THIS ACT PUT INTO PLACE PROGRAMS AND MEASURES
8 TO REDUCE THE TOTAL DISCARDED OR DISPOSED SOLID WASTES
9 GENERATED WITHIN ITS JURISDICTION BY THE FOLLOWING
10 PERCENTAGES BY WEIGHT, OF THE TOTAL COMBINED RESIDENTIAL AND
11 COMMERCIAL SOLID WASTE GENERATED WITHIN THE MUNICIPALITY
12 DURING THE CALENDAR YEAR PRIOR TO THE ENACTMENT OF THIS ACT:

13 A) AT LEAST TWENTY-FIVE PERCENT (25%) OF THE
14 MUNICIPALITY'S SOLID WASTE STREAM WITHIN THREE (3) YEARS OF
15 THE ENACTMENT OF THIS ACT;

16 B) AT LEAST THIRTY-FIVE PERCENT (35%) OF THE
17 MUNICIPALITY'S SOLID WASTE STREAM WITHIN FIVE (5) YEARS OF
18 THE ENACTMENT OF THIS ACT;

19 C) AT LEAST FIFTY PERCENT (50%) OF THE MUNICIPALITY'S
20 SOLID WASTE STREAM WITHIN SEVEN (7) YEARS OF THE ENACTMENT
21 OF THIS ACT;

22 D) AT LEAST SEVENTY PERCENT (70%) OF THE MUNICIPALITY'S
23 SOLID WASTE STREAM WITHIN TEN (10) YEARS OF THE ENACTMENT OF
24 THIS ACT.

25 THE PROGRAMS AND MEASURES TO ACCOMPLISH THESE GOALS
26 SHALL RELY UPON RECYCLING, COMPOSTING, OR AVOIDED WASTE
27 PRODUCTION. SUCH PROGRAMS AND MEASURES MAY BE DESIGNED TO
28 INCREASE PRIVATE SECTOR OR RESIDENTIAL RECYCLING, TO
29 IMPLEMENT WASTE REDUCTION OR REUSE MEASURES, OR TO EXPORT
30 WASTE FOR THE PURPOSE OF RECYCLING.

31 LOCAL GOVERNMENT UNITS SHALL PROVIDE FOR THE SOURCE
32 SEPARATION, SEPARATE COLLECTION AND COMPOSTING OF ALL FOOD,
33 YARD AND ORGANIC WASTES GENERATED WITHIN ITS JURISDICTION,

1 UNLESS THE GENERATOR OTHERWISE PROVIDES FOR RECYCLING OR
2 STORAGE FOR COMPOSTING. THEREAFTER, NO SANITARY LANDFILL,
3 AND SOLID WASTE COLLECTOR SHALL ACCEPT ORGANIC WASTES FOR
4 FINAL DISPOSAL.

5 ALL GOVERNMENT AGENCIES RESPONSIBLE FOR THE MAINTENANCE
6 OF PUBLIC LANDS SHALL TO THE MAXIMUM EXTENT PRACTICABLE AND
7 FEASIBLE GIVE PREFERENCE TO THE USE OF COMPOST MATERIALS
8 DERIVED FROM THE LOCAL GOVERNMENT UNIT'S ORGANIC WASTE IN
9 ALL LAND MAINTENANCE ACTIVITIES.

10 SEC. 13. NATIONAL PACKAGING AND RESEARCH INSTITUTE. -
11 THERE IS HEREBY ESTABLISHED A NATIONAL PACKAGING AND
12 RESEARCH INSTITUTE WHICH SHALL HAVE THE FOLLOWING FUNCTIONS:

13 A) TO CONDUCT RESEARCH AND DATA GATHERING ON WASTE
14 MANAGEMENT, INCLUDING BUT NOT LIMITED TO THE DIFFERENT
15 KINDS OF WASTES SUCH AS SOLID WASTES, HAZARDOUS AND TOXIC
16 WASTES AND RECOVERABLE OR RECYCLABLE WASTES;

17 B) TO FORMULATE A STRATEGY EITHER IN TERMS OF
18 TECHNOLOGY OR PRACTICE IN DEALING WITH ALL TYPES OF WASTES
19 FOR PURPOSES OF REUSING AND RECYCLING WASTE RESOURCE INTO
20 OTHER USES SUCH AS HOUSING AND CONSTRUCTION MATERIALS;

21 C) TO DESIGN, RECOMMEND AND INTEGRATE IN THE
22 MANUFACTURING AND PACKAGING SECTORS A RESOURCE RECOVERY
23 PROGRAM INCLUDING THE SUBSTITUTION OF NON RECOVERABLE
24 MATERIALS;

25 D) TO RECOMMEND A VOLUME AND TOXIC REDUCTION STRATEGY
26 IN THE MANUFACTURING PROCESS OF INDUSTRY WHICH WOULD INCLUDE
27 A CALIBRATED PHASEOUT OF NONRECOVERABLE PRODUCTS AFTER
28 ADEQUATE CONSULTATION WITH SECTORS IN THE INDUSTRY THAT
29 WOULD INCORPORATE ECONOMIC AND TECHNICAL VIABILITY;

30 E) TO PROMOTE CLOSED LOOP SYSTEMS IN RECYCLING, SUCH AS
31 GLASS BOTTLES BE MANUFACTURED INTO NEW GLASS BOTTLES, AND
32 OLD NEWSPAPERS CONVERTED INTO RECYCLED NEWSPRINTS;

1 F) TO LIST DOWN PRODUCTS WHICH ARE NON RECYCLABLE AND
2 NON RENEWABLE, AND DISCOURAGE THE PUBLIC AND CONSUMERS FROM
3 BUYING OR USING THEM;

4 G) TO DEVELOP ALTERNATIVE PACKAGING MATERIALS WHICH ARE
5 RECYCLABLE OR RENEWABLE; AND

6 H) TO FORMULATE A CONTINUING INFORMATION AND EDUCATION
7 CAMPAIGN IN SCHOOLS AND UNIVERSITIES, MEDIA INDUSTRY AND
8 LOCAL COMMUNITIES THE BENEFITS OF WASTE MANAGEMENT,
9 RECYCLING AND RESOURCE RECOVERY.

10 THE INSTITUTE SHALL HAVE A BOARD TO BE HEADED BY THE
11 SECRETARY OF THE DEPARTMENT OF SCIENCE AND TECHNOLOGY.
12 OTHER MEMBERS OF THE BOARD SHALL COME FROM THE PRIVATE
13 SECTOR, RELATED GOVERNMENT AGENCIES AND THE ACADEME INVOLVED
14 WITH PACKAGING RELATED SERVICES AND PROJECTS, AS WELL AS
15 ECOLOGICAL SOLID WASTE MANAGEMENT. THE INSTITUTE SHALL
16 COMPLEMENT THE NATIONAL PACKAGING RESEARCH CENTER OF THE
17 DEPARTMENT OF SCIENCE AND TECHNOLOGY ON RESEARCH AND
18 DEVELOPMENT ACTIVITIES AND SERVICES ON ENVIRONMENTAL
19 PROTECTION.

20 CHAPTER II

21 ECOLOGICAL SOLID WASTE MANAGEMENT FRAMEWORK AND ACTION PLANS

22 SEC. 14. *National ECOLOGICAL Solid Waste Management*
23 *Framework.* - Within ONE (1) YEAR from the establishment of
24 the COMMISSION, an integrated national and local solid
25 waste management framework program shall be promulgated
26 which shall include:

27 (a) The publication of an inventory of all solid waste
28 disposal facilities or sites in the country which are
29 classified as open dumps within the meaning of this Act;

30 (b) The varying regional geologic, hydrologic,
31 climatic, and other factors vital in the implementation of
32 solid waste practices to ensure the reasonable protection of
33 (1) the quality of surface and groundwater from leachate
34 contamination, (2) the quality of surface waters from
35 surface run-off contamination, and (3) ambient air quality;

1 (c) Characteristics and conditions of collection,
2 storage, processing, disposal, operating methods, techniques
3 and practices, location of facilities where such operating
4 methods, techniques and practices are conducted, taking into
5 account the nature of the material to be disposed;

6 (d) Methods for closing or upgrading open dumps INTO
7 CONTROLLED DUMPS AND EVENTUALLY INTO SANITARY LANDFILLS for
8 purposes of eliminating potential health hazards;

9 (e) Population density, distribution, and projected
10 growth;

11 (f) The type/s and location of solid waste transport
12 facilities;

13 (g) The profile of sources, including industrial,
14 commercial, domestic and other sources;

15 (h) The characterization and generation rates of waste;

16 (i) The political, economic, organizational, financial
17 and management problems affecting comprehensive solid waste
18 management; and

19 (j) Practical applications of environmentally sound
20 techniques of waste minimization such as, but not limited
21 to, resource conservation, segregation at source, recycling,
22 resource recovery INCLUDING WASTE-TO-ENERGY GENERATION,
23 reuse and composting;

24 (k) A technical and economic description of the level
25 of performance that can be attained by various available
26 solid waste management practices which provide for the
27 protection of public health and the environment;

28 (l) A description of levels of performance and
29 appropriate methods and degrees of control that provide, at
30 the minimum, for protection of public health and welfare
31 through:

32 1) Protection of the quality of groundwater and
33 surface waters from leachate and run-off contamination;

34 2) Disease and epidemic prevention and control;

1 3) Prevention and control of offensive odor; AND

2 4) Safety and aesthetics;

3 (m) Minimum criteria to be used by the local government
4 units to define those ECOLOGICAL solid waste management
5 practices, which constitute open dumping and are to be
6 prohibited. As much as practicable, such guidelines shall
7 also include minimum information for use in deciding the
8 adequate location, design, and construction of facilities
9 associated with solid waste management practices, including
10 the consideration of regional, geographic, demographic, and
11 climatic factors; AND

12 N) THE METHOD AND PROCEDURE FOR THE PHASE-OUT PERIOD
13 AND THE EVENTUAL CLOSURE WITHIN THREE (3) YEARS FROM THE
14 EFFECTIVITY OF THIS ACT IN CASE OF EXISTING OPEN DUMPS
15 AND/OR SANITARY LANDFILL LOCATED WITHIN AN AQUIFER, GROUND
16 WATER RESERVOIR OR WATERSHED.

17 SEC. 15. *Local Waste Management Action Plans.* - All
18 ECOLOGICAL solid waste management action plans of local
19 government units must comply with the guidelines IN
20 ACCORDANCE WITH THE FRAMEWORK established by the COMMISSION
21 and shall:

22 (a) Identify the responsibilities of the local
23 government unit in the implementation of its plan;

24 (b) Prohibit the establishment of new open dumps
25 within the local government unit and require that all solid
26 waste shall either be utilized for resource/energy recovery
27 or disposed of in sanitary landfills **OR CONTROLLED DUMPS**, or
28 otherwise disposed of in any other environmentally-sound
29 manner;

30 (c) Provide for the phase-out or eventual closure, or
31 upgrading into sanitary landfills, of all existing open
32 dumps within the local government unit within **EIGHTEEN (18)**
33 **MONTHS FROM THE EFFECTIVITY OF THIS ACT** and pursuant to the
34 provisions of this Act;

(d) Provide that the local government unit shall not be prohibited from entering into long-term agreements for the OPERATION, MANAGEMENT AND IMPLEMENTATION OF SPECIFIC ASPECTS OF ECOLOGICAL SOLID WASTE MANAGEMENT ACTION PLANS AND/OR supply of solid waste to resource recovery facilities;

(e) Provide for resource conservation or recovery schemes and disposal of solid waste in sanitary landfills or any combination of practices, such as, but not limited to, segregation at source, recycling, reuse, and composting, as may be necessary to use or dispose of such waste in a manner that is environmentally-sound;

(F) PROVIDE A TIMEFRAME FOR THE REHABILITATION AND/OR RECLAMATION OF ABANDONED OPEN DUMPSITES/SANITARY LANDFILLS AFTER REACHING THEIR FULL POTENTIAL SO THEY CAN BE UTILIZED FOR COMMERCIAL AND INDUSTRIAL PURPOSES; AND

(G) PROHIBIT ANY ESTABLISHMENT WITHIN TWO HUNDRED METERS FROM OPEN DUMPS AND ONE HUNDRED METERS FROM SANITARY LANDFILLS.

For purposes of compliance with paragraph (e) hereof, each local government unit plan shall contain a requirement that all existing disposal facilities or sites for solid waste which are open dumps shall comply with such measures as may be promulgated by the Secretary to eliminate health hazards and minimize potential health hazards.

Each action plan shall establish, for any entity which demonstrates that it has considered other public or private alternatives for ECOLOGICAL solid waste management to comply with the prohibition on open dumping but is unable to utilize such alternatives to comply, a timetable or schedule for compliance which specifies a schedule or remedial measures, including an enforceable sequence of actions or operations leading to compliance with the prohibition on open dumping of solid waste within a reasonable time, which in no case shall exceed three (3) years.

1 SEC. 16. *Guidelines for Identification of Common*
2 *Solid Waste Management Problems.* - For purposes of
3 encouraging and facilitating the development of local
4 government action plans for solid waste management,
5 the Department, in consultation with the COMMISSION,
6 shall, as soon as practicable but not later than three (3)
7 months from the effectivity of this Act, publish guidelines
8 for the identification of those areas which have common
9 solid waste management problems and are appropriate units
10 for clustered solid waste management services.

11 SEC. 17. *Establishment of Common Waste Treatment and*
12 *Disposal Facilities.* - All PROVINCES, cities,
13 municipalities AND BARANGAYS are hereby **mandated** to
14 establish common waste disposal facilities to be situated in
15 a location agreed upon by them.

16 The Department and the national and local solid waste
17 management councils shall provide technical assistance to
18 the local government units.

19 SEC. 18. *Prohibition against Open Dumping of Solid*
20 *Waste.* - Any solid waste management practice or disposal of
21 solid waste which constitutes the open dumping of solid
22 waste is hereby prohibited, except in the case of any
23 practice or disposal of solid waste under a timetable or
24 schedule for compliance established under Section 12:
25 **PROVIDED, THAT SOLID INDUSTRIAL WASTE CAN BE DISPOSED OF IN**
26 **CONTROLLED DUMPS.**

27 SEC. 19. *Public Education and Information.* - The
28 COMMISSION shall, in coordination with the PIA, the
29 DECS, and other concerned agencies, conduct a continuing
30 education and information campaign on ECOLOGICAL solid waste
31 management. Such education and information program shall:

32 (a) Aim at developing public awareness of the ill-
33 effects of the solid waste problem and demonstrating what
34 the public can do to minimize, if not resolve, it;

1 (b) Concentrate on activities which are feasible and
2 which will have the greatest impact on the solid waste
3 problem of the country, like resource conservation and
4 recovery, recycling, segregation at source, reuse, reduction
5 and composting of solid waste; and

6 (c) Encourage the general public and the non-
7 governmental and people's organizations to publicly endorse
8 and patronize products that are recyclable, durable, and
9 repairable and those that are not over-packaged.

10 SEC. 20. *Environmental Education in the Formal and*
11 *Non-Formal Sectors.* - The COMMISSION, in coordination
12 with concerned government agencies and non-governmental
13 organizations and private institutions, shall strengthen the
14 integration of environmental concerns in school curricula at
15 all levels, with particular emphasis on the theory and
16 practice of waste management principles like waste
17 minimization, specifically resource conservation and
18 recovery, segregation at source, reduction, recycling, reuse
19 and composting, in order to promote environmental awareness
20 and action among the citizenry.

21 SEC. 21. *Business and Industry Role.* - The COMMISSION
22 shall encourage **COMMERCIAL** and industrial **ESTABLISHMENTS**,
23 through appropriate incentives **OTHER THAN TAX INCENTIVES**, TO
24 INITIATE, PARTICIPATE AND INVEST IN **ECOLOGICAL SOLID WASTE**
25 **MANAGEMENT PROJECTS**, to manufacture environment-friendly
26 products, to introduce, develop and adopt innovative
27 processes that **SHALL** recycle and reuse materials, conserve
28 raw materials and energy, reduce waste, and prevent
29 pollution, and to undertake community activities to promote
30 **AND PROPAGATE** effective solid waste management practices.

31 CHAPTER III

32 CIVIL LIABILITIES/PENAL PROVISIONS

33 SEC. 22. *Prohibited Acts.* - The following acts are
34 prohibited:

1 A) THE CONSTRUCTION OR OPERATION OF LANDFILLS OR ANY
2 TYPE OF GARBAGE DUMP ON ANY AQUIFER, GROUNDWATER RESERVOIR
3 OR WATERSHED AND/OR ANY PORTIONS THEREOF.

4 B) Littering or throwing garbage, or other SOLID
5 waste matters in public places, such as roads,
6 sidewalks, canals, esteros, parks, and establishments;

7 C) SQUATTING IN OPEN DUMPS AND LANDFILLS;

8 D) THE TAKING, WITHOUT THE CONSENT OF THE OWNER OR
9 GENERATOR, OF RECYCLABLE MATERIAL SET OUT TO BE COLLECTED BY
10 AN AUTHORIZED PERSON OR A COLLECTION SERVICE;

11 E) THE REMOVAL OF ANY RECYCLABLE MATERIAL FROM A
12 CONTAINER, BOX, COLLECTION VEHICLE, DEPOT OR OTHER
13 RECEPTACLE FOR THE ACCUMULATION OR STORAGE OF RECYCLABLE
14 MATERIAL WITHOUT THE PERMISSION OF THE OWNER OF THE
15 RECEPTACLE;

16 F) THE MIXING OF SOURCE-SEPARATED RECYCLABLE MATERIAL
17 WITH OTHER SOLID WASTE IN ANY VEHICLE, BOX, CONTAINER OR
18 RECEPTACLE USED IN SOLID WASTE COLLECTION OR DISPOSAL;

19 G) Open dumping, burying of bio-degradeable OR
20 NON-BIODEGRADABLE MATERIALS in flood prone areas, and
21 collection of non-segregated waste;

22 H) The manufacture, distribution or use of packaging
23 materials for consumer products, other than those indicated
24 as recyclable on the list WHICH SHALL BE PROVIDED BY THE
25 COMMISSION IN ACCORDANCE WITH THE PROVISIONS OF THIS
26 ACT; and

27 I) THE USE OF THE TERMS "RECYCLABLE" AND "WITH RECYCLED
28 CONTENT" AND THE LIKE ON PRODUCTS AND PACKAGES WITHOUT
29 COMPLYING WITH THE STANDARDS SET BY THE DEPARTMENT.

30 J) The importation of consumer products packaged in
31 materials other than those indicated in the same list.

32 SEC. 23. Penalties. - Any person who violates
33 Section 22(b) shall, upon conviction, be punished with a
34 fine of not less than Three hundred pesos (P300.00) but not

1 more than ONE THOUSAND PESOS (P1,000.00) or imprisonment of
2 not less than ONE (1) DAY TO NOT MORE THAN FIFTEEN (15) DAYS
3 or both, at the discretion of the Court.

4 Any person who violates Sec. 18 which provides for a
5 ban on open dumping and/or Sec. 22(g) shall, upon
6 conviction, be punished with a fine of not less than One
7 thousand pesos (P1,000.00) but not more than Three thousand
8 pesos (P3,000.00) or imprisonment of not less than fifteen
9 (15) days but not more than six (6) months, or both, at the
10 discretion of the Court.

11 Any person who violates Section 22(h) and (j) FOR THE
12 FIRST TIME shall, upon conviction, pay a fine of Five
13 hundred thousand pesos (P500,000.00) plus an amount not less
14 than five percent (5%) but not more than ten percent (10%)
15 of his net annual income during the previous year. THE
16 ADDITIONAL PENALTY OF IMPRISONMENT OF A MINIMUM PERIOD OF
17 ONE (1) YEAR, BUT NOT TO EXCEED THREE (3) YEARS AT THE
18 DISCRETION OF THE COURT, SHALL BE IMPOSED FOR SECOND OR
19 SUBSEQUENT VIOLATIONS OF SECTION 22 (h) AND (j).

20 If the offense is committed by a corporation,
21 partnership, or other juridical entity duly organized in
22 accordance with law, the chief executive officer, president,
23 general manager, managing partner or such other officer-in-
24 charge of the business operations shall be liable for the
25 commission of the offense penalized under this Act.

26 If the offender is an alien, he shall, after service of
27 the sentence prescribed above, be deported without further
28 administrative proceedings.

29 CHAPTER IV

30 MISCELLANEOUS PROVISIONS

31 SEC. 24. *Establishment of Multi-Purpose Cooperatives*
32 *or Associations in every LGU.* - Multi-purpose cooperatives
33 and associations that shall undertake activities to promote
34 the implementation and/or directly undertake projects in

1 compliance with the provisions of this Act shall be
2 encouraged and promoted in every LGU.

3 SEC. 25. *Grants to Local Government Units.* - The
4 National Government shall provide grants to any local
5 government unit, or cluster of units, that establishes and
6 adopts innovative solid waste management programs including
7 the promotion of the use of source reduction strategies and
8 techniques by businesses, schools and government offices in
9 their respective localities as well.

10 SEC. 26. *Solid Waste Savings Associations.* -
11 The local councils shall be encouraged to establish
12 Solid Waste Savings Associations whereby members
13 shall deposit segregated waste which will be recorded in a
14 passbook and withdrawal of equivalent cash value will be
15 allowed only at schedules to be specified by the councils.
16 Elected officers will lead in systematic segregation,
17 sorting and marketing of recyclable materials as well as in
18 composting activities.

19 SEC. 27. *Capital Fund for Local Solid Waste*
20 *Management Initiatives.* - Government financial institutions,
21 including the Land Bank of the Philippines, and private
22 banks, whether in an independent capacity or with support
23 from other private funding institutions, shall be encouraged
24 to set aside seed capital for this purpose and shall serve
25 as the depositories of the Capital Fund. They shall be
26 responsible for the evaluation and approval of loans and/or
27 grants to local government units and to private solid waste
28 management cooperatives and associations accredited by the
29 COMMISSION.

30 SEC. 28. *ANNUAL REPORT.* - THE NATIONAL COMMISSION ON
31 SOLID WASTE MANAGEMENT SHALL, AT THE CLOSE OF EACH
32 CALENDAR YEAR, SUBMIT AN ANNUAL REPORT TO CONGRESS, GIVING A
33 DETAILED ACCOUNT OF ITS PROCEEDINGS AND ACCOMPLISHMENTS
34 DURING THE YEAR AND MAKING RECOMMENDATIONS FOR THE ADOPTION

1 OF MEASURES THAT WILL UPGRADE THE NATIONAL INTEGRATED
2 ECOLOGICAL SOLID WASTE MANAGEMENT PROGRAM.

3 SEC. 29. *Appropriations.* - For the initial operating
4 expenses of the COMMISSION AND THE NATIONAL ECOLOGY CENTER
5 the amount of TWENTY MILLION PESOS (P20,000,000.00) is
6 hereby appropriated FROM THE ORGANIZATIONAL ADJUSTMENT FUND
7 ON THE YEAR THIS ACT IS APPROVED. Thereafter, it shall
8 submit to the Department of Budget and Management its
9 proposed budget for inclusion in the General
10 Appropriations Act.

11 CHAPTER V

12 FINAL PROVISIONS

13 SEC. 30. *ABOLITION OF THE PRESIDENTIAL TASK FORCE ON*
14 *WASTE MANAGEMENT AND THE PRESIDENTIAL MANAGEMENT OFFICE ON*
15 *SOLID WASTE MANAGEMENT.* - THE PRESIDENTIAL TASK FORCE ON
16 WASTE MANAGEMENT WHICH WAS CREATED BY VIRTUE OF MEMORANDUM
17 CIRCULAR NO. 39 DATED NOVEMBER 2, 1987, AS AMENDED BY
18 MEMORANDUM CIRCULAR NO. 39A AND 88 IS HEREBY ABOLISHED.
19 FURTHER, PURSUANT TO ADMINISTRATIVE ORDER NO. 90 DATED
20 OCTOBER 19, 1992, THE PRESIDENTIAL MANAGEMENT OFFICE ON
21 SOLID WASTE MANAGEMENT IS LIKEWISE HEREBY ABOLISHED.
22 CONSEQUENTLY, THEIR POWERS AND FUNCTIONS SHALL BE ABSORBED
23 BY THE COMMISSION PURSUANT TO THE PROVISIONS OF THIS ACT.

24 SEC. 31. *IMPLEMENTING RULES AND REGULATIONS.* - THE
25 NATIONAL COMMISSION AS HEREBY CREATED SHALL FORMULATE THE
26 IMPLEMENTING RULES AND REGULATIONS OF THIS ACT WITHIN SIXTY
27 (60) DAYS AFTER THE APPROVAL OF THIS ACT.

28 SEC. 32. *Separability Clause.* - If, for any reason,
29 any provision of this Act is declared unconstitutional or
30 invalid, such sections or parts not affected thereby shall
31 remain in full force and effect.

32 SEC. 33. *Repealing Clause.* - All laws, decrees,
33 issuances, rules and regulations, or parts thereof

1 inconsistent with the provisions of this Act are hereby
2 repealed or modified accordingly.

3 SEC. 34. *Effectivity.* - This Act shall take effect
4 fifteen (15) days after its publication in at least two (2)
5 newspapers of general circulation.

Approved,

S E N A T E

S. No. 1595

(In substitution of S. Nos. 41, 75, 184, 329, 514,
519, 523, 960, 991, 1042, 1269, 1277)

Introduced by Senators Flavier, Osmeña III, Santiago,
Revilla, Honasan, Legarda-Leviste, Aquino-Oreta,
Biazon, Jaworski, Osmeña J., Enrile and Magsaysay, Jr.

AN ACT

INSTITUTING AN INTEGRATED ECOLOGICAL SOLID WASTE MANAGEMENT
PROGRAM, CREATING THE NATIONAL AND LOCAL SOLID WASTE
COUNCILS AND THE NECESSARY MECHANISMS AND INCENTIVES,
DECLARING CERTAIN ACTS PROHIBITED AND PROVIDING PENALTIES,
APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES

*Be it enacted by the Senate and House of Representatives of
the Philippines in Congress assembled:*

CHAPTER I

GENERAL PROVISIONS

SECTION 1. *Short Title.* - This Act shall be known and
referred to as the "Integrated ECOLOGICAL Solid Waste
Management Act of 2000."

SEC. 2. *Declaration of Policy.* - It is hereby declared
the policy of the State to adopt an integrated,
COMPREHENSIVE AND ECOLOGICAL waste management program, which
will:

a) Utilize environmentally sound methods that
maximize the utilization of valuable resources and encourage
resource conservation in all communities;

b) Set guidelines AND TARGETS for solid waste
AVOIDANCE AND volume reduction through SOURCE REDUCTION
AND waste minimization measures, including COMPOSTING,
recycling, reuse, recovery, GREEN-CHARCOAL PROCESS, and
others, before collection, treatment and disposal in
TECHNICALLY appropriate AND ENVIRONMENTALLY SOUND solid
waste MANAGEMENT FACILITIES IN ACCORDANCE WITH
ECOLOGICALLY SUSTAINABLE DEVELOPMENT PRINCIPLES;

1 c) Ensure the proper segregation, collection,
2 transport, treatment and disposal of solid waste through the
3 formulation and adoption of ENVIRONMENTAL BEST PRACTICE IN
4 ECOLOGICAL WASTE MANAGEMENT EXCLUDING INCINERATION;

5 D) ENCOURAGE COMMERCIAL AND INDUSTRIAL ESTABLISHMENTS
6 TO IMPROVE THEIR ENVIRONMENTAL PERFORMANCE BY ADOPTING
7 CLEANER PRODUCTION PRACTICES AND SOURCE REDUCTION SCHEMES;

8 E) Retain primary enforcement responsibility **AND**
9 **OFFICIAL FUNCTION** for solid waste management with the local
10 government units while encouraging relevant cooperative
11 activities among government agencies, non-governmental
12 organizations (NGOs) and the private sector;

13 F) Institutionalize public participation in the
14 development and implementation of national and local
15 integrated, **COMPREHENSIVE AND ECOLOGICAL** waste
16 management programs; and

17 G) Strengthen the integration **OF ECOLOGICAL SOLID WASTE**
18 **MANAGEMENT AND RESOURCE CONSERVATION AND RECOVERY TOPICS**
19 **INTO THE ACADEMIC CURRICULA OF** formal and non-formal
20 **EDUCATION** in order to promote environmental awareness and
21 action among the citizenry.

22 SEC. 3. *Definition of Terms.* - For the purposes of
23 this Act:

24 a) Bureau - shall refer to the Environmental Management
25 Bureau;

26 **B) BUY-BACK CENTER - SHALL REFER TO A RECYCLING CENTER**
27 **THAT PURCHASES OR OTHERWISE ADOPTS RECYCLABLE MATERIALS FROM**
28 **THE PUBLIC FOR THE PURPOSE OF RECYCLING SUCH MATERIALS;**

29 C) COLLECTION - MEANS THE ACT OF REMOVING SOLID WASTE
30 FROM THE SOURCE OR FROM A COMMUNAL STORAGE POINT;

31 D) Composting - IS THE AEROBIC BIOLOGICAL
32 DECOMPOSITION OF ORGANIC MATERIALS OR BIODEGRADABLE WASTE
33 MATERIALS TO PRODUCE A STABLE HUMUS-LIKE PRODUCT CALLED
34 COMPOST, WHICH MAY BE USED AS A SOIL CONDITIONER OR ORGANIC
35 FERTILIZER;

1 E) CONTROLLED DUMP - MEANS A DISPOSAL SITE AT WHICH
2 SOLID WASTE IS DEPOSITED IN ACCORDANCE WITH THE MINIMUM
3 PRESCRIBED STANDARDS OF SITE OPERATION;

4 F) Department - shall refer to the Department of
5 Environment and Natural Resources;

6 G) DISPOSABLE PRODUCT - SHALL MEAN A PRODUCT WHICH IS
7 USED BY THE CONSUMER ONE OR MORE TIMES, AFTER WHICH IT IS
8 TYPICALLY DISPOSED OF WITHOUT FURTHER USE OR RECYCLING;

9 H) DISPOSAL - MEANS THE DISCHARGE, DEPOSIT, DUMPING,
10 SPILLING, LEAKING OR PLACING OF ANY SOLID WASTE INTO OR IN
11 ANY LAND;

12 I) DISPOSAL SITE - MEANS A SITE WHERE SOLID WASTE IS
13 FINALLY DISCHARGED AND DEPOSITED;

14 J) Fund - shall refer to the Solid Waste Management
15 Fund;

16 K) Generator - shall refer to a person, natural or
17 juridical, who last uses a material and makes it available
18 for disposal or recycling;

19 L) INDUSTRIAL SOLID WASTE - SOLID WASTE WHICH IS
20 GENERATED AS A RESULT OF THE MANUFACTURING AND/OR PRODUCTION
21 PROCESS;

22 M) Leachate - SHALL REFER TO THE LIQUID PRODUCED
23 WHEN WASTE UNDERGO DECOMPOSITION AND WHEN WATER PERCOLATES
24 THROUGH SOLID WASTES UNDERGOING DECOMPOSITION. IT IS
25 CONTAMINATED LIQUID THAT CONTAINS DISSOLVED AND SUSPENDED
26 MATERIALS;

1 N) Municipal Waste - shall refer to wastes produced
2 from activities within LOCAL GOVERNMENT UNITS
3 which include a combination of domestic, commercial,
4 institutional and industrial wastes and street litters;

5 O) Open Dump - IS A DISPOSAL AREA WHEREIN THE SOLID
6 WASTES ARE INDISCRIMINATELY THROWN OR DISPOSED OF WITHOUT
7 DUE PLANNING AND CONSIDERATION TO ENVIRONMENTAL AND HEALTH
8 IMPACTS;

9 P) MATERIALS RECOVERY FACILITIES (MRF) - THERE SHALL BE
10 ESTABLISHED AN MRF IN EVERY CITY, MUNICIPALITY OR SHARED
11 FACILITIES WITH OTHER MUNICIPALITIES. THE MRF SHALL SERVE AS
12 THE LAST STAGES FOR FINAL SORTING, SEGREGATION, COMPOSTING,
13 AND RECYCLING OF MIXED WASTE THAT ESCAPED FROM THE SCREENING
14 PROCESS AND HOUSEHOLD AND BARANGAY LEVEL INCLUDING THOSE
15 WASTE COLLECTED FROM OTHER SOURCES SUCH AS PUBLIC PARKS AND
16 STREETS AND WASTE PAPER AND OTHER OPEN SPACES. THE RESULTING
17 RESIDUAL WASTE SHALL GO FOR STORAGE IN THE SANITARY
18 LANDFILL;

19 Q) Opportunity to Recycle - shall refer to the act of
20 providing a place for collecting source-separated recyclable
21 material, located either at a disposal site or at another
22 location more convenient to the population being served, and
23 collection at least once a month of source-separated
24 recyclable material from collection service customers and to
25 providing a public education and promotion program that
26 gives notice to each person of the opportunity to recycle
27 and encourage source separation of recyclable material;

28 R) Package - shall refer to any container used to
29 store, contain, transport, display or sell products,
30 excluding shipping containers or wrapping or other means of
31 storage or transportation of any consumer products in bulk;

32 S) PACKAGING - SHALL MEAN AND INCLUDE ALL FOOD RELATED
33 WRAPPINGS, ADHESIVES, CORDS, BINDINGS, STRINGS, TAPES,

1 RIBBONS, BAGS, BOXES, COVERINGS AND CONTAINERS AND SHALL
2 FURTHER INCLUDE CUPS, GLASSES, AND SIMILAR CONTAINERS FOR
3 DRINKING OUT OF OR FOR HOLDING LIQUIDS, AND PLATES AND
4 SERVING TRAYS, AND UTENSILS;

5 T) Person(s) - shall refer to any being, natural or
6 juridical, susceptible of rights and obligations, or of
7 being the subject of legal relations;

8 U) POST-COLLECTION SEPARATION - SHALL MEAN THE SORTING
9 OF SOLID WASTE INTO SOME OR ALL OF ITS COMPONENT PARTS AFTER
10 THE POINT OF COLLECTION;

11 V) POST-CONSUMER MATERIAL - SHALL REFER ONLY TO THOSE
12 MATERIALS OR PRODUCTS GENERATED BY A BUSINESS OR CONSUMER
13 WHICH HAVE SERVED THEIR INTENDED END USE, AND WHICH HAVE
14 BEEN SEPARATED OR DIVERTED FROM SOLID WASTE FOR THE PURPOSE
15 OF BEING COLLECTED, PROCESSED AND USED AS A RAW MATERIAL IN
16 THE MANUFACTURING OF A RECYCLED PRODUCT; EXCLUDING MATERIALS
17 AND BY-PRODUCTS GENERATED FROM, AND COMMONLY USED WITHIN AN
18 ORIGINAL MANUFACTURING PROCESS, SUCH AS MILL SCRAP;

19 W) RECEPTACLES - SHALL REFER TO INDIVIDUAL CONTAINERS
20 USED FOR THE SOURCE SEPARATION AND THE COLLECTION OF
21 RECYCLABLE MATERIALS;

22 X) RECOVERED MATERIAL - SHALL MEAN MATERIAL AND
23 BY-PRODUCTS THAT HAVE BEEN RECOVERED OR DIVERTED FROM SOLID
24 WASTE FOR THE PURPOSE OF BEING COLLECTED, PROCESSED AND USED
25 AS A RAW MATERIAL IN THE MANUFACTURE OF A RECYCLED PRODUCT;

26 Y) Recyclable Material - SHALL REFER TO ANY WASTE
27 MATERIAL RETRIEVED FROM THE WASTE STREAM AND FREE FROM
28 CONTAMINATION THAT CAN STILL BE CONVERTED INTO SUITABLE
29 BENEFICIAL USE OR FOR OTHER PURPOSES, INCLUDING, BUT NOT
30 LIMITED TO NEWSPAPER, FERROUS SCRAP METAL, NON-FERROUS
31 SCRAP METAL, USED OIL, CORRUGATED CARDBOARD, ALUMINUM,
32 GLASS, OFFICE PAPER, TIN CANS AND OTHER MATERIALS AS MAY BE
33 DETERMINED BY THE COMMISSION;

1 Z) RECYCLED MATERIAL - SHALL REFER TO POST-CONSUMER
2 MATERIAL THAT HAS BEEN RECYCLED AND RETURNED TO THE ECONOMY;

3 AA) Recycling - shall refer to the treating of used
4 or waste materials through a process of making them suitable
5 for beneficial use and for other purposes, and includes any
6 process by which solid waste materials are transformed into
7 new products in such a manner that the original products may
8 lose their identity, and which may be used as raw materials
9 for the production of other goods or services: *Provided,*
10 That the collection, segregation and reuse of previously
11 used packaging material shall be deemed recycling under this
12 Act;

13 BB) Resource Recovery - REFERS TO THE COLLECTION,
14 EXTRACTION OR RECOVERY OF RECYCLABLE MATERIALS FROM THE
15 WASTE STREAM FOR THE PURPOSE OF RECYCLING, GENERATING ENERGY
16 OR PRODUCING A PRODUCT SUITABLE FOR BENEFICIAL USE:
17 *PROVIDED,* THAT, SUCH RESOURCE RECOVERY FACILITIES EXCLUDE
18 INCINERATION;

19 CC) REUSE - MEANS THE PROCESS OF RECOVERING MATERIALS
20 INTENDED FOR THE SAME OR DIFFERENT PURPOSE WITHOUT THE
21 ALTERATION OF PHYSICAL AND CHEMICAL CHARACTERISTICS;

22 DD) Sanitary Landfill - SHALL REFER TO A DISPOSAL
23 SITE FOR RESIDUAL SOLID WASTE THAT CANNOT BE RECYCLED,
24 COMPOSTED OR PROCESSED BY ANY OTHER AVAILABLE TECHNOLOGY
25 WHICH IS DESIGNED, CONSTRUCTED, OPERATED, AND MAINTAINED IN
26 A MANNER THAT EXERTS ENGINEERING CONTROL OVER
27 SIGNIFICANT POTENTIAL ADVERSE ENVIRONMENTAL IMPACT ARISING
28 FROM THE DEVELOPMENT AND OPERATION OF THE FACILITY, IN
29 PARTICULAR, ENGINEERING OF THE SITE IS UNDERTAKEN TO CONTAIN
30 AND REGULATE THE UNCONTROLLED LEAKAGE AND SEEPAGE OF
31 LEACHATE AND LANDFILL GAS: *PROVIDED,* THAT SUCH SANITARY
32 LANDFILL SHALL NOT BE SITUATED IN ANY AQUIFER, GROUNDWATER
33 RESERVOIR AND WATERSHED AREA;

1 EE) Schedule of Compliance - shall refer to a listing
2 of remedial measures, including an enforceable sequence of
3 actions or operations to be accomplished within a stipulated
4 time frame leading to compliance with a limitation,
5 prohibition, or standard set forth in this Act or any rule
6 or regulation issued pursuant thereto;

7 FF) Secretary - shall refer to the Secretary of the
8 Department of Environment and Natural Resources;

9 GG) SEGREGATION - MEANS A SOLID WASTE MANAGEMENT
10 PRACTICE OF SEPARATING DIFFERENT MATERIALS FOUND
11 IN SOLID WASTE IN ORDER TO PROMOTE RECYCLING AND REUSE OF
12 RESOURCES AND TO REDUCE THE VOLUME OF WASTE FOR COLLECTION
13 AND DISPOSAL;

14 HH) Segregation at Source - shall refer to a solid
15 waste management practice of separating, at the point of
16 origin, different materials found in solid waste in order to
17 promote recycling and reuse of resources and to reduce the
18 volume of waste for collection and disposal;

19 II) Solid Waste - shall refer to all municipal
20 WASTES/refuse, AGRICULTURAL and non-hazardous waste such as
21 street sweepings, and construction AND DEMOLITION debris;

22 JJ) INTEGRATED ECOLOGICAL SOLID WASTE MANAGEMENT
23 - SHALL REFER TO THE SYSTEMATIC ADMINISTRATION OF
24 ACTIVITIES WHICH PROVIDE FOR SEGREGATION AT SOURCE
25 SEGREGATED TRANSPORTATION, STORAGE, TRANSFER, PROCESSING,
26 TREATMENT, AND DISPOSAL OF SOLID WASTE AND ALL OTHER WASTE
27 MANAGEMENT ACTIVITIES WHICH DO NOT HARM THE ENVIRONMENT;

28 KK) SOLID WASTE MANAGEMENT FACILITY - SHALL REFER
29 TO ANY RESOURCE RECOVERY SYSTEM OR COMPONENT
30 THEREOF; ANY SYSTEM, PROGRAM, OR FACILITY FOR RESOURCE
31 CONSERVATION; ANY FACILITY FOR THE COLLECTION, SOURCE/
32 SEPARATION, STORAGE, TRANSPORTATION, TRANSFER, PROCESSING,
33 TREATMENT, OR DISPOSAL OF SOLID WASTE;

1 LL) SOURCE REDUCTION - SHALL MEAN THE REDUCTION OF
2 SOLID WASTE BEFORE IT ENTERS THE SOLID WASTE STREAM BY
3 METHODS SUCH AS PRODUCT DESIGN, MATERIALS SUBSTITUTION,
4 MATERIALS REUSE AND PACKAGING RESTRICTIONS;

5 MM) SOURCE SEPARATION - SHALL MEAN THE SORTING OF SOLID
6 WASTE INTO SOME OR ALL OF ITS COMPONENT PARTS AT THE POINT
7 OF GENERATION;

8 NN) YARD WASTE - SHALL REFER TO WOOD, SMALL OR CHIPPED
9 BRANCHES, LEAVES, GRASS CLIPPINGS, GARDEN DEBRIS, VEGETABLE
10 RESIDUE THAT IS RECOGNIZABLE AS PART OF A PLANT OR VEGETABLE
11 AND OTHER MATERIALS IDENTIFIED BY THE COMMISSION; AND

12 OO) HAZARDOUS WASTE - SHALL REFER TO TOXIC SUBSTANCES
13 SUCH AS CHEMICAL, BIOMEDICAL, INFECTIOUS AND RADIOACTIVE
14 WASTES WHICH CAN CAUSE HEALTH HAZARDS TO PEOPLE AND DAMAGE
15 THE ENVIRONMENT.

16 SEC. 4. *National COMMISSION ON Solid Waste Management.*
17 - There is hereby established a National COMMISSION
18 ON Solid Waste Management, hereinafter referred to
19 as the COMMISSION. THE COMMISSION SHALL BE COMPOSED OF TWELVE
20 (12) MEMBERS FROM THE GOVERNMENT SECTOR AND FOUR (4) MEMBERS
21 FROM THE PRIVATE SECTOR. THE GOVERNMENT SECTOR
22 SHALL BE REPRESENTED BY THE HEADS OF THE FOLLOWING AGENCIES
23 IN THEIR EX OFFICIO CAPACITY OR THOSE WHOEVER THEY MAY
24 DESIGNATE TO ATTEND THE MEETINGS PERMANENTLY:

- 25 A) DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES;
26 B) DEPARTMENT OF HEALTH;
27 C) DEPARTMENT OF SCIENCE AND TECHNOLOGY;
28 D) DEPARTMENT OF TRADE AND INDUSTRY;
29 E) DEPARTMENT OF PUBLIC WORKS AND HIGHWAYS;
30 F) DEPARTMENT OF AGRICULTURE;
31 G) DEPARTMENT OF THE INTERIOR AND LOCAL GOVERNMENT;
32 H) CHAIRMAN OF THE METRO MANILA DEVELOPMENT AUTHORITY
33 (MMDA) ;

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- 1 I) PRESIDENT OF THE LEAGUE OF PROVINCIAL GOVERNORS;
2 J) PRESIDENT OF THE LEAGUE OF CITY MAYORS;
3 K) PRESIDENT OF THE LEAGUE OF MUNICIPAL MAYORS; AND
4 L) PRESIDENT OF THE ASSOCIATION OF BARANGAY COUNCILS.

5 THE PRIVATE SECTOR INCLUDING, BUT NOT LIMITED TO,
6 THE PACKAGING AND MANUFACTURING SECTOR, NON GOVERNMENT
7 ORGANIZATIONS AND ENVIRONMENTAL ADVOCACY GROUPS AND
8 ORGANIZATIONS SHALL BE APPOINTED BY THE PRESIDENT FOR
9 A TERM OF THREE (3) YEARS.

10 THE DENR MEMBER AND A PRIVATE SECTOR MEMBER OF THE
11 COMMISSION SHALL SERVE AS CHAIR AND CO-CHAIR RESPECTIVELY.
12 MEMBERS OF THE COMMISSION SHALL BE APPOINTED ON THE BASIS OF
13 THEIR INTEGRITY, HIGH DEGREE OF PROFESSIONALISM AND HAVING
14 DISTINGUISHED HIMSELF/HERSELF AS AN AUTHORITY IN
15 ENVIRONMENTAL AND RESOURCE MANAGEMENT. THE MEMBERS OF THE
16 COMMISSION SHALL SERVE AND CONTINUE TO HOLD OFFICE UNTIL
17 SUCCESSORS SHALL HAVE BEEN APPOINTED AND QUALIFIED. SHOULD A
18 MEMBER OF THE COMMISSION FAIL TO COMPLETE HIS/HER TERM, THE
19 SUCCESSOR SHALL BE APPOINTED BY THE PRESIDENT OF THE
20 PHILIPPINES BUT ONLY FOR THE UNEXPIRED PORTION OF THE TERM.
21 FINALLY, THE MEMBERS SHALL BE ENTITLED TO REASONABLE
22 TRAVELLING EXPENSES AND HONORARIA.

23 SEC. 5. *Powers and Functions of the COMMISSION.* - The
24 COMMISSION shall be primarily responsible for
25 promoting ecologically sound solid waste management
26 principles, strategies, and techniques. To this end, the
27 COMMISSION shall perform the following functions:

28 a) FORMULATE THE NATIONAL INTEGRATED ECOLOGICAL
29 SOLID WASTE MANAGEMENT FRAMEWORK IN ACCORDANCE WITH THE
30 PROVISIONS OF THIS ACT.

31 b) Assist the local governments in the establishment
32 of local solid waste management councils AND ECOLOGY
33 CENTERS;

1 c) Coordinate the operation of local councils in the
2 provincial, municipal/city and barangay levels;

3 d) Develop and recommend INTEGRATED ECOLOGICAL
4 solid waste management action plans to local government
5 units WHICH GIVE PRIORITY TO SOURCE AND WASTE
6 REDUCTION, RECYCLING AND COMPOSTING PROGRAMS;

7 E) ESTABLISH, AFTER NOTICE AND HEARING OF THE PARTIES
8 CONCERNED, STANDARDS, CRITERIA, GUIDELINES AND FORMULA
9 THAT ARE FAIR, EQUITABLE AND REASONABLE, IN ESTABLISHING
10 TIPPING CHARGES AND RATES THAT THE PROPONENT WILL CHARGE
11 IN THE OPERATION AND MANAGEMENT OF SOLID WASTE
12 MANAGEMENT FACILITIES AND TECHNOLOGIES;

13 F) DEVELOP SAFETY NETS AND ALTERNATIVE LIVELIHOOD
14 PROGRAMS FOR SMALL RECYCLERS AND OTHER SECTORS THAT WILL
15 BE AFFECTED AS A RESULT OF THE CONSTRUCTION AND/OR
16 OPERATION OF A SOLID WASTE MANAGEMENT RECYCLING
17 PLANT OR FACILITIES;

18 G) FORMULATE AND UPDATE A LIST OF RECYCLABLE AS WELL
19 AS NON-RECYCLABLE MATERIALS IN ACCORDANCE WITH THE
20 PROVISIONS OF THIS ACT. FOR THIS PURPOSE, IT SHALL BE
21 NECESSARY THAT PROPER CONSULTATION BE CONDUCTED BY THE
22 COMMISSION WITH ALL CONCERNED INDUSTRIES TO ENSURE A LIST
23 THAT IS BASED ON TECHNOLOGICAL AND ECONOMIC VIABILITY;

24 H) Encourage PRIVATE SECTOR INITIATIVES,
25 COMMUNITY PARTICIPATION AND INVESTMENTS resource recovery-
26 based livelihood programs for local communities;

27 I) ENCOURAGE ALL LOCAL GOVERNMENT AGENCIES AND ALL
28 LOCAL GOVERNMENT UNITS TO PATRONIZE PRODUCTS MANUFACTURED
29 USING RECYCLED AND RECYCLABLE MATERIALS;

30 J) PROPOSE AND ADOPT REGULATIONS REQUIRING THE SOURCE
31 SEPARATION AND POST SEPARATION COLLECTION, SEGREGATED
32 COLLECTION, PROCESSING, MARKETING AND SALE OF ORGANIC AND
33 DESIGNATED RECYCLABLE MATERIAL GENERATED IN EACH LOCAL
34 GOVERNMENT UNIT;

1 K) Study AND review the following:

2 i) Standards, criteria and guidelines for the
3 promulgation and implementation of an integrated national
4 solid waste management framework; and

5 ii) Criteria and guidelines for siting, design,
6 operation and maintenance of solid waste management
7 facilities.

8 SEC. 6. MEETINGS. - THE COMMISSION SHALL MEET
9 AT LEAST ONCE A MONTH. THE PRESENCE OF AT LEAST A MAJORITY
10 OF THE MEMBERS SHALL CONSTITUTE A QUORUM. THE CHAIRMAN OR IN
11 HIS ABSENCE A VICE CHAIRMAN SHALL BE THE PRESIDING OFFICER.

12 SEC. 7. Local Government Units. - Pursuant to the
13 relevant provisions of Republic Act No. 7160, or the Local
14 Government Code, the local government units shall be
15 primarily responsible for the implementation and enforcement
16 of the provisions of this Act within their respective
17 jurisdictions BY ESTABLISHING THEIR LOCAL ECOLOGICAL SOLID
18 WASTE MANAGEMENT COUNCILS: **PROVIDED, THAT FOR THE NATIONAL**
19 **CAPITAL REGION, THE METRO MANILA DEVELOPMENT AUTHORITY SHALL**
20 **BE GIVEN THE PRIMARY RESPONSIBILITY FOR THE IMPLEMENTATION**
21 **OF THIS ACT.**

22 The provincial, municipal, city and barangay
23 governments, through the local government sanggunians and in
24 consultation with the local solid waste management
25 councils, shall draft and adopt local INTEGRATED ECOLOGICAL
26 solid waste management action plans and programs. In order
27 to ensure optimal utilization of valuable resources and
28 encourage resource conservation including waste
29 minimization, in all residential houses, commercial and
30 industrial establishments, educational institutions,
31 agricultural, and other areas through environmentally
32 sound INTEGRATED ECOLOGICAL solid waste management
33 techniques and mechanisms, the local health and/or general
34 services officers shall be responsible for the local

1 implementation of the national standards and guidelines as
2 well as of the local ordinances on local INTEGRATED
3 ECOLOGICAL solid waste management.

4 The action plans shall be submitted by the local
5 executives to the COMMISSION WITHIN ONE (1) YEAR FROM THE
6 PROMULGATION OF THE FRAMEWORK TO ENSURE THAT THE ACTION
7 PLANS ARE IN ACCORDANCE WITH THE DECLARED POLICIES
8 UNDER THIS ACT.

9 In order to ensure enforcement of the provisions of
10 this Act, the local government units shall also:

11 A) ENSURE THE INTEGRATION OF **ECOLOGICAL** SOLID WASTE
12 MANAGEMENT PLANS INTO OTHER LOCAL DEVELOPMENT PLANNING AND
13 IMPLEMENTATION PROGRAMS AND ACTIVITIES;

14 B) enact and enforce local ordinances for the proper
15 segregation, collection, transport, storage, treatment and
16 disposal of solid waste, including permitting fees,
17 pollution and other charges, and penalties for violations:
18 *Provided*, That such ordinances shall be in accordance with
19 the national policy on INTEGRATED ECOLOGICAL solid waste
20 management and the criteria/guidelines set by the
21 COMMISSION for the implementation of the provisions of this
22 Act, and shall enhance and promote waste prevention and the
23 opportunity to recycle;

24 C) extensively consult with the local solid waste
25 management councils with regard to general and expert
26 information, research, education and training, and
27 assessment of INTEGRATED ECOLOGICAL solid waste management
28 policy, practices and techniques that promote waste
29 prevention and enhance the opportunity to **COMPOST AND**
30 recycle; and

31 D) provide assistance and support for promoting
32 among local communities the opportunity to recycle through
33 facilitation of the location, establishment and operation of
34 local recycling centers and other private sector initiatives
35 for the implementation of the provisions of this Act.

1 SEC. 8. *The National Ecology Center.* - THERE SHALL BE
2 ESTABLISHED A National Ecology Center of the COMMISSION
3 WHICH shall provide consulting, information, training, and
4 networking services for the implementation of the provisions
5 of this Act.

6 In this regard, it shall perform the following
7 functions:

8 a) Facilitate training and education in INTEGRATED
9 ECOLOGICAL SOLID WASTE MANAGEMENT;

10 b) Establish and manage a INTEGRATED ECOLOGICAL SOLID
11 WASTE MANAGEMENT information data base:

12 1) ON INTEGRATED ECOLOGICAL SOLID WASTE GENERATION AND
13 MANAGEMENT TECHNIQUES AS WELL AS THE MANAGEMENT, TECHNICAL
14 AND OPERATIONAL APPROACHES TO RESOURCE RECOVERY; AND

15 2) OF PROCESSORS/RECYCLERS, THE LIST OF MATERIALS
16 BEING RECYCLED OR BOUGHT BY THEM AND THEIR RESPECTIVE
17 PRICES;

18 C) PROMOTE THE DEVELOPMENT OF A RECYCLING MARKET
19 THROUGH THE ESTABLISHMENT OF A NATIONAL RECYCLING NETWORK
20 THAT WILL ENHANCE THE OPPORTUNITY TO RECYCLE;

21 D) Provide or facilitate expert assistance in pilot
22 modeling of SOLID WASTE MANAGEMENT facilities; and

23 E) Develop, test, and disseminate model waste
24 minimization and reduction auditing procedures for
25 evaluating options.

26 To this end, the National Ecology Center shall be
27 headed by THE Director OF THE BUREAU IN HIS EX OFFICIO
28 CAPACITY. It shall maintain a multi-sectoral, multi-
29 disciplinary pool of experts including those from the
30 academe, inventors, practicing professionals, business and
31 industry, youth, women and other concerned sectors, who
32 shall be screened according to qualifications set by the
33 COMMISSION.

1 SEC. 9. *The Local Solid Waste Management*
2 *Councils.* - There shall be established in every province a
3 Provincial Solid Waste Management Council (PSWMC)
4 AND in every municipality or city, a Municipal or City
5 Solid Waste Management Council (M/CSWMC) for the
6 purpose of ASSISTING LOCAL GOVERNMENT UNITS IN preparing and
7 implementing local solid waste action plans in accordance
8 with the provisions of this Act. The local councils, in
9 coordination with the DECS and the DILG, shall provide
10 consulting, training, information and networking services
11 for the local government units.

12 Each local Solid Waste Management Council SHALL
13 be composed of the following:

14 a) the local government chief executive as Chairperson;

15 b) the local government health and/or general services
16 officer, whichever may be RECOMMENDED BY the local CHIEF
17 executive;

18 c) the local environment and natural resources officer
19 OR IF NOT AVAILABLE IN THE MUNICIPALITY, THE RECOMMENDEE OF
20 THE PROVINCIAL NATURAL RESOURCE OFFICER IN AN INTERIM
21 CAPACITY;

22 **D) THE LOCAL GOVERNMENT ENGINEER;**

23 E) a representative each of the League of Mayors and
24 the *Liga ng Mga Punong Barangay* of the province, or a
25 representative of the *Liga ng mga Punong Barangay* of the
26 city or municipality; and

27 F) A representative FROM THE private sector WHO SHALL
28 BE APPOINTED BY THE LOCAL GOVERNMENT CHIEF EXECUTIVE FOR A
29 TERM OF TWO (2) YEARS UNLESS REVOKED EARLIER.

30 SEC. 10. *Cooperative Activities.* - The COMMISSION
31 shall encourage cooperative activities by other
32 government agencies and the local government units for the
33 effective and efficient implementation of integrated

1 national INTEGRATED ECOLOGICAL solid waste management action
2 plans. It shall also encourage the enactment of improved
3 and, so far as practicable in the light of varying
4 conditions and needs, uniform laws and local ordinances
5 relating to solid waste management to assure the
6 utilization of all appropriate and available facilities and
7 resources of the national government for the implementation
8 of the National INTEGRATED ECOLOGICAL Solid Waste Management
9 Framework.

10 SEC. 11. MANDATORY SOURCE SEPARATION FOR RESIDENTIAL
11 AND COMMERCIAL PREMISES. - COMMENCING ONE (1) YEAR FROM THE
12 ENACTMENT OF THIS ACT, ALL OWNERS OR PERSONS IN CONTROL OF
13 ANY RESIDENTIAL OR COMMERCIAL PREMISES SHALL BE REQUIRED TO
14 SEPARATE FROM ALL OTHER REFUSE COLLECTED OR RECEIVED BY THE
15 MUNICIPALITY OR ANY OTHER COLLECTOR THE FOLLOWING ITEMS:

- 16 A) NEWSPRINT;
17 B) OFFICE PAPER;
18 C) CARDBOARD;
19 D) GLASS BOTTLES AND JARS;
20 E) ALUMINUM CANS;
21 F) STEEL AND BI-METAL CANS;
22 G) FOOD AND ORGANIC WASTE;
23 H) TOXIC MATERIALS, INCLUDING BUT NOT LIMITED TO
24 BATTERIES, FLUORESCENT BULBS, PAINT AND THINNER
25 CANS, INSECTICIDE CONTAINERS AND SUCH OTHER ITEMS
26 AS MAY BE MANDATED BY THE COMMISSION.

27 FOR PREMISES CONTAINING SIX (6) OR MORE RESIDENTIAL
28 UNITS, THE LOCAL GOVERNMENT UNIT SHALL PROMULGATE
29 REGULATIONS REQUIRING THE OWNER OR PERSON IN CHARGE OF SUCH
30 PREMISES TO:

- 31 A) PROVIDE FOR THE RESIDENTS A DESIGNATED AREA AND
32 CONTAINERS IN WHICH TO ACCUMULATE SOURCE SEPARATED
33 RECYCLABLE MATERIALS TO BE COLLECTED BY THE MUNICIPALITY OR
34 PRIVATE CENTER; AND

1 B) NOTIFY THE OCCUPANTS OF SUCH BUILDINGS OF THE
2 REQUIREMENTS OF THIS ACT AND THE REGULATIONS PROMULGATED
3 PURSUANT THERETO.

4 SEC. 12. *ESTABLISHING MANDATORY SOLID WASTE*
5 *REDUCTION, RECYCLING AND COMPOSTING PROGRAMS.* - EACH LOCAL
6 GOVERNMENT UNIT SHALL WITHIN TWELVE (12) MONTHS AFTER THE
7 EFFECTIVITY OF THIS ACT PUT INTO PLACE PROGRAMS AND MEASURES
8 TO REDUCE THE TOTAL DISCARDED OR DISPOSED SOLID WASTES
9 GENERATED WITHIN ITS JURISDICTION BY THE FOLLOWING
10 PERCENTAGES BY WEIGHT, OF THE TOTAL COMBINED RESIDENTIAL AND
11 COMMERCIAL SOLID WASTE GENERATED WITHIN THE MUNICIPALITY
12 DURING THE CALENDAR YEAR PRIOR TO THE ENACTMENT OF THIS ACT:

13 A) AT LEAST TWENTY-FIVE PERCENT (25%) OF THE
14 MUNICIPALITY'S SOLID WASTE STREAM WITHIN THREE (3) YEARS OF
15 THE ENACTMENT OF THIS ACT;

16 B) AT LEAST THIRTY-FIVE PERCENT (35%) OF THE
17 MUNICIPALITY'S SOLID WASTE STREAM WITHIN FIVE (5) YEARS OF
18 THE ENACTMENT OF THIS ACT;

19 C) AT LEAST FIFTY PERCENT (50%) OF THE MUNICIPALITY'S
20 SOLID WASTE STREAM WITHIN SEVEN (7) YEARS OF THE ENACTMENT
21 OF THIS ACT;

22 D) AT LEAST SEVENTY PERCENT (70%) OF THE MUNICIPALITY'S
23 SOLID WASTE STREAM WITHIN TEN (10) YEARS OF THE ENACTMENT OF
24 THIS ACT.

25 THE PROGRAMS AND MEASURES TO ACCOMPLISH THESE GOALS
26 SHALL RELY UPON RECYCLING, COMPOSTING, OR AVOIDED WASTE
27 PRODUCTION. SUCH PROGRAMS AND MEASURES MAY BE DESIGNED TO
28 INCREASE PRIVATE SECTOR OR RESIDENTIAL RECYCLING, TO
29 IMPLEMENT WASTE REDUCTION OR REUSE MEASURES, OR TO EXPORT
30 WASTE FOR THE PURPOSE OF RECYCLING.

31 LOCAL GOVERNMENT UNITS SHALL PROVIDE FOR THE SOURCE
32 SEPARATION, SEPARATE COLLECTION AND COMPOSTING OF ALL FOOD,
33 YARD AND ORGANIC WASTES GENERATED WITHIN ITS JURISDICTION,

1 UNLESS THE GENERATOR OTHERWISE PROVIDES FOR RECYCLING OR
2 STORAGE FOR COMPOSTING. THEREAFTER, NO SANITARY LANDFILL,
3 AND SOLID WASTE COLLECTOR SHALL ACCEPT ORGANIC WASTES FOR
4 FINAL DISPOSAL.

5 ALL GOVERNMENT AGENCIES RESPONSIBLE FOR THE MAINTENANCE
6 OF PUBLIC LANDS SHALL TO THE MAXIMUM EXTENT PRACTICABLE AND
7 FEASIBLE GIVE PREFERENCE TO THE USE OF COMPOST MATERIALS
8 DERIVED FROM THE LOCAL GOVERNMENT UNIT'S ORGANIC WASTE IN
9 ALL LAND MAINTENANCE ACTIVITIES.

10 SEC. 13. *RECYCLING PLANS*. - EACH LOCAL GOVERNMENT UNIT,
11 WITH THE ASSISTANCE OF ITS LOCAL WASTE MANAGEMENT COUNCIL
12 (LOCAL RECYCLING COUNCIL) AND THE NATIONAL ECOLOGY CENTER,
13 SHALL DEVELOP WITHIN SIX (6) MONTHS OF ENACTMENT OF THIS ACT,
14 A PRELIMINARY RECYCLING PLAN THAT SHALL COVER THE NEXT TEN
15 (10) YEARS. THE PRELIMINARY PLAN AND SUBSEQUENT PLANS SHALL
16 INCLUDE BUT SHALL NOT BE LIMITED TO THE FOLLOWING:

17 A) A WASTE COMPOSITION ANALYSIS THAT IDENTIFIES THE
18 QUALITY, QUANTITY AND COMPOSITION OF THE LOCAL GOVERNMENT
19 UNITS' SOLID WASTE BY BARANGAY;

20 B) ANNUAL RECYCLING AND REDUCTION GOALS EQUAL TO OR
21 EXCEEDING THE MANDATORY MINIMUM LEVELS OF THIS ACT,
22 INCLUDING THE QUANTITY AND COMPOSITION OF RECYCLABLE
23 MATERIALS TO BE COLLECTED, PROCESSED, MARKETING AND SOLD BY
24 EACH BARANGAY;

25 C) A FIVE-YEAR STRATEGY FOR COLLECTING, PROCESSING,
26 MARKETING AND SELLING THE DESIGNATED RECYCLABLE MATERIALS,
27 TAKING INTO ACCOUNT PERSONS ENGAGED IN THE BUSINESS OF
28 RECYCLING OR PERSONS OTHERWISE PROVIDING RECYCLING SERVICES
29 BEFORE THE EFFECTIVITY OF THIS ACT. SUCH STRATEGY MAY BE
30 BASED UPON THE RESULTS OF THE WASTE COMPOSITION ANALYSIS
31 PERFORMED PURSUANT TO THIS SECTION OR INFORMATION OBTAINED
32 IN THE COURSE OF PAST COLLECTION OF SOLID WASTE BY THE LOCAL
33 GOVERNMENT UNIT, AND MAY INCLUDE RECOMMENDATIONS WITH

1 RESPECT TO INCREASING THE NUMBER OF MATERIALS DESIGNATED FOR
2 RECYCLING PURSUANT TO THIS ACT;

3 D) A COMPREHENSIVE AND UP-TO-DATE LIST OF LARGE-SCALE
4 GENERATORS OF RECYCLABLE MATERIALS WITHIN THE JURISDICTION
5 OF THE LOCAL GOVERNMENT UNIT CONCERNED AND POTENTIAL
6 PURCHASERS OF RECYCLABLE MATERIAL BOTH WITHIN THE SAME
7 JURISDICTION AND IN OTHER LOCATIONS;

8 E) A COMPREHENSIVE ANALYSIS OF ALL APPROPRIATE LOCAL
9 GOVERNMENT PROPERTIES AND FACILITIES TO DETERMINE THE
10 FEASIBILITY OF THEIR USE AS RECYCLING AND COMPOSTING
11 CENTERS;

12 F) PROPOSED METHODS AND PROGRAMS TO ACHIEVE A REDUCTION
13 IN THE LOCAL GOVERNMENT UNIT'S SOLID WASTE STREAM, INCLUDING
14 BUT NOT LIMITED TO, IDENTIFYING MATERIALS WHOSE USE SHOULD
15 BE REGULATED OR RESTRICTED BASED UPON THEIR INCOMPATIBILITY
16 WITH RECYCLING;

17 G) RECOMMENDED REVISIONS TO THE BUILDING ORDINANCES,
18 REQUIRING NEWLY CONSTRUCTED BUILDINGS AND BUILDINGS
19 UNDERGOING SPECIFIED ALTERATIONS TO CONTAIN STORAGE SPACE,
20 DEVICES OR MECHANISMS THAT FACILITATE SOURCE SEPARATION AND
21 STORAGE OF DESIGNATED RECYCLABLE MATERIALS TO ENABLE THE
22 LOCAL GOVERNMENT UNIT TO EFFICIENTLY COLLECT, PROCESS,
23 MARKET AND SELL THE DESIGNATED MATERIALS. SUCH
24 RECOMMENDATIONS SHALL INCLUDE, BUT SHALL NOT BE LIMITED TO,
25 SEPARATE CHUTES TO FACILITATE SOURCE SEPARATION IN MULTI-
26 FAMILY DWELLINGS, STORAGE AREAS THAT CONFORM TO FIRE AND
27 SAFETY CODE REGULATIONS; AND SPECIALIZED STORAGE CONTAINERS;

28 H) TO THE EXTENT FEASIBLE, PROPOSALS DEVELOPED IN
29 CONSULTATION WITH LOCAL TRANSPORTATION OFFICIALS TO
30 SEPARATE, COLLECT AND RECYCLE RECYCLABLE MATERIALS THAT ARE
31 DISCARDED AT TRANSPORTATION FACILITIES, INCLUDING BUS,
32 RAILROAD AND FERRY STATIONS;

1 I) PROPOSALS DEVELOPED IN CONSULTATION WITH THE
2 DEPARTMENT OF EDUCATION, CULTURE AND SPORTS, THE DEPARTMENT
3 OF HEALTH, HOSPITALS AND OTHER APPROPRIATE ENTITIES TO
4 SEPARATE, COLLECT AND RECYCLE MATERIALS THAT ARE DISCARDED
5 AT SCHOOLS, HOSPITALS AND OTHER SIMILAR INSTITUTIONS
6 THROUGHOUT THE LOCAL GOVERNMENT UNIT;

7 J) A PROPOSAL FOR AN INCENTIVE PROGRAM, INCLUDING CASH
8 INCENTIVES, TO ENCOURAGE RECYCLING PARTICIPATION LOCALLY;

9 K) AN EVALUATION OF THE ECONOMIC DEVELOPMENT BENEFITS
10 OF ALTERNATIVE RECYCLING METHODS AND STRATEGIES;

11 L) A DETAILED REPORT OF THE RECYCLING ACTIVITIES OF THE
12 LOCAL GOVERNMENT UNIT DURING THE PRECEDING YEAR WHICH
13 INCLUDES A SUMMARY OF OUTSTANDING RECYCLING PROBLEMS
14 CONFRONTING THE LOCAL GOVERNMENT UNIT IN ORDER OF PRIORITY;

15 M) RECOMMENDATIONS CONCERNING LEGISLATION THAT THE
16 LOCAL WASTE MANAGEMENT COUNCILS DEEM NECESSARY OR DESIRABLE
17 TO ASSIST IN SOLVING THESE RECYCLING PROBLEMS; AND

18 N) THE LOCAL GOVERNMENT UNITS' PLANS FOR RECYCLING AND
19 REDUCTION ACTIVITIES AND PROGRAMS DURING THE NEXT YEAR.

20 SEC. 14. MONITORING WASTE REDUCTION LEVELS AND SUCCESS
21 OF RECYCLING PROGRAMS. - IN ANY OF THE FIRST FOUR YEARS
22 FOLLOWING THE EFFECTIVE DATE OF THIS ACT IN WHICH THE
23 COMMISSION DETERMINES THAT THE LOCAL GOVERNMENT UNITS ARE
24 UNABLE TO ACHIEVE THE LEVEL OF RECYCLING REQUIRED FOR THAT
25 YEAR AS SPECIFIED IN THIS ACT, THE COMMISSION SHALL SUBMIT
26 TO CONGRESS A REPORT DETAILING THE EXACT SHORTFALL, SETTING
27 FORTH THE REASONS FOR ITS OCCURRENCE AND PROPOSING A PLAN
28 FOR SPECIFIC PROGRAMS TO MAKE UP THE SHORTFALL IN
29 SUBSEQUENT YEARS.

30 THE COMMISSION SHALL ANNUALLY REVIEW THE NATIONAL
31 RECYCLING PROGRAM WITHIN THE NATIONAL SOLID WASTE MANAGEMENT
32 FRAMEWORK AND ALL RULES AND REGULATIONS PROMULGATED
33 THEREUNDER, AND SHALL MAKE THE NECESSARY REVISIONS TO

1 IMPROVE THE EFFICIENCY OF COLLECTING, PROCESSING, MARKETING
2 AND SELLING THE MATERIALS RECYCLED. THESE REVISIONS MAY
3 INCLUDE DESIGNATING ADDITIONAL RECYCLABLE MATERIALS. THE
4 COMMISSION SHALL NOT DELETE DESIGNATED MATERIALS SO THAT THE
5 TOTAL QUANTITY BY WEIGHT OF ALL DESIGNATED RECYCLABLE
6 MATERIALS COLLECTED, PROCESSED, MARKETED AND SOLD DOES NOT
7 DECREASE.

8 SEC. 15. *RECYCLING MARKET DEVELOPMENT.* - THE COMMISSION
9 TOGETHER WITH THE NATIONAL ECOLOGY CENTER, THE DEPARTMENT OF
10 TRADE AND INDUSTRY AND THE DEPARTMENT OF FINANCE SHALL
11 ESTABLISH PROCEDURES, STANDARDS AND STRATEGIES TO MARKET
12 RECYCLABLE MATERIALS AND DEVELOP THE LOCAL MARKET FOR
13 RECYCLED GOODS, INCLUDING BUT NOT LIMITED TO:

14 A) MEASURES PROVIDING ECONOMIC INCENTIVES AND
15 ASSISTANCE INCLUDING LOANS AND GRANTS FOR THE ESTABLISHMENT
16 OF PRIVATELY OWNED FACILITIES TO MANUFACTURE FINISHED
17 PRODUCTS FROM POST-CONSUMER MATERIALS;

18 B) GUARANTEES BY THE NATIONAL AND LOCAL GOVERNMENTS TO
19 PURCHASE A PERCENTAGE OF THE OUTPUT OF THE FACILITY; AND

20 C) MAINTAINING A LIST OF PROSPECTIVE BUYERS,
21 ESTABLISHING CONTACT WITH PROSPECTIVE BUYERS AND REVIEWING
22 AND MAKING ANY NECESSARY CHANGES IN COLLECTING OR PROCESSING
23 THE MATERIALS TO IMPROVE THEIR MARKETABILITY.

24 IN ORDER TO ENCOURAGE ESTABLISHMENT OF NEW FACILITIES
25 TO PRODUCE GOODS FROM POST-CONSUMER AND RECOVERED MATERIALS
26 GENERATED WITHIN LOCAL GOVERNMENT UNITS, AND TO CONSERVE
27 ENERGY BY REDUCING MATERIALS TRANSPORTATION, WHENEVER
28 APPROPRIATE, EACH LOCAL GOVERNMENT UNIT MAY ARRANGE FOR
29 LONG-TERM CONTRACTS TO PURCHASE A SUBSTANTIAL SHARE OF THE
30 PRODUCT OUTPUT OF A PROPOSED FACILITY WHICH WILL BE BASED IN
31 THE JURISDICTION OF THE LOCAL GOVERNMENT UNIT IF SUCH
32 FACILITY WILL MANUFACTURE SUCH FINISHED PRODUCTS FROM POST-
33 CONSUMER AND RECOVERED MATERIALS.

1 3) Prevention and control of offensive odor; AND

2 4) Safety and aesthetics;

3 (m) Minimum criteria to be used by the local government
4 units to define those ECOLOGICAL solid waste management
5 practices, which constitute open dumping and are to be
6 prohibited. As much as practicable, such guidelines shall
7 also include minimum information for use in deciding the
8 adequate location, design, and construction of facilities
9 associated with solid waste management practices, including
10 the consideration of regional, geographic, demographic, and
11 climatic factors; AND

12 N) THE METHOD AND PROCEDURE FOR THE PHASE-OUT PERIOD
13 AND THE EVENTUAL CLOSURE WITHIN THREE (3) YEARS FROM THE
14 EFFECTIVITY OF THIS ACT IN CASE OF EXISTING OPEN DUMPS
15 AND/OR SANITARY LANDFILL LOCATED WITHIN AN AQUIFER, GROUND
16 WATER RESERVOIR OR WATERSHED.

17 SEC. 15. ~~Local Waste Management Action Plans.~~ - All
18 ECOLOGICAL solid waste management action plans of local
19 government units must comply with the guidelines IN
20 ACCORDANCE WITH THE FRAMEWORK established by the COMMISSION
21 and shall:

22 (a) Identify the responsibilities of the local
23 government unit in the implementation of its plan;

24 (b) Prohibit the establishment of new open dumps
25 within the local government unit and require that all solid
26 waste shall either be utilized for resource/energy recovery
27 or disposed of in sanitary landfills OR CONTROLLED DUMPS, or
28 otherwise disposed of in any other environmentally-sound
29 manner;

30 (c) Provide for the phase-out or eventual closure, or
31 upgrading into sanitary landfills, of all existing open
32 dumps within the local government unit within EIGHTEEN (18)
33 MONTHS FROM THE EFFECTIVITY OF THIS ACT and pursuant to the
34 provisions of this Act;

1 (d) Provide that the local government unit shall not
2 be prohibited from entering into long-term agreements for
3 the OPERATION, MANAGEMENT AND IMPLEMENTATION OF SPECIFIC
4 ASPECTS OF ECOLOGICAL SOLID WASTE MANAGEMENT ACTION PLANS
5 AND/OR supply of solid waste to resource recovery
6 facilities;

7 (e) Provide for resource conservation or recovery
8 schemes and disposal of solid waste in sanitary landfills or
9 any combination of practices, such as, but not limited to,
10 segregation at source, recycling, reuse, and composting, as
11 may be necessary to use or dispose of such waste in a manner
12 that is environmentally-sound;

13 (F) PROVIDE A TIME FRAME FOR THE REHABILITATION AND/OR
14 RECLAMATION OF ABANDONED OPEN DUMPSITES/SANITARY LANDFILLS
15 AFTER REACHING THEIR FULL POTENTIAL SO THEY CAN BE UTILIZED
16 FOR COMMERCIAL AND INDUSTRIAL PURPOSES; AND

17 (G) PROHIBIT ANY ESTABLISHMENT WITHIN TWO HUNDRED
18 METERS FROM OPEN DUMPS AND ONE HUNDRED METERS FROM SANITARY
19 LANDFILLS.

20 For purposes of compliance with paragraph (e) hereof,
21 each local government unit plan shall contain a requirement
22 that all existing disposal facilities or sites for solid
23 waste which are open dumps shall comply with such measures
24 as may be promulgated by the Secretary to eliminate health
25 hazards and minimize potential health hazards.

26 Each action plan shall establish, for any entity which
27 demonstrates that it has considered other public or private
28 alternatives for ECOLOGICAL solid waste management to comply
29 with the prohibition on open dumping but is unable to
30 utilize such alternatives to comply, a timetable or schedule
31 for compliance which specifies a schedule or remedial
32 measures, including an enforceable sequence of actions or
33 operations leading to compliance with the prohibition on
34 open dumping of solid waste within a reasonable time, which
35 in no case shall exceed three (3) years.

1 ~~SEC. 6.~~ Guidelines for Id~~entification~~ of Common
2 ~~ECOLOGICAL~~ Solid Waste Management Problems. - For purposes
3 of encouraging and facilitating the development of local
4 government action plans for ~~ECOLOGICAL~~ solid waste
5 management, the Department, in consultation with the
6 COMMISSION, shall, as soon as practicable but not later
7 than three (3) months from the effectivity of this Act,
8 publish guidelines for the identification of those areas
9 which have common ~~ECOLOGICAL~~ solid waste management problems
10 and are appropriate units for clustered ~~ECOLOGICAL~~ solid
11 waste management services.

12 SEC. 17. Establishment of Common Waste Treatment and
13 Disposal Facilities. - All PROVINCES, cities,
14 municipalities AND BARANGAYS are hereby mandated to
15 establish common waste disposal facilities to be situated in
16 a location agreed upon by them.

17 The Department and the national and local ~~ECOLOGICAL~~
18 solid waste management councils shall provide technical
19 assistance to the local government units.

20 SEC. 18. Prohibition against Open Dumping of Solid
21 Waste. - Any ~~ECOLOGICAL~~ solid waste management practice or
22 disposal of solid waste which constitutes the open dumping
23 of solid waste is hereby prohibited, except in the case of
24 any practice or disposal of solid waste under a timetable or
25 schedule for compliance established under Section 12:
26 PROVIDED, THAT SOLID INDUSTRIAL WASTE CAN BE DISPOSED OF IN
27 CONTROLLED DUMPS.

28 SEC. 19. Public Education and Information. - The
29 COMMISSION shall, in coordination with the PIA, the
30 DECS, and other concerned agencies, conduct a continuing
31 education and information campaign on ~~ECOLOGICAL~~ solid waste
32 management. Such education and information program shall:

33 (a) Aim at developing public awareness of the ill-
34 effects of the solid waste problem and demonstrating what
35 the public can do to minimize, if not resolve, it;

(b) —centrate on activities which are feasible and which will have the greatest impact on the solid waste problem of the country, like resource conservation and recovery, recycling, segregation at source, reuse, reduction, and composting of solid waste; and

(c) Encourage the general public and the non-governmental and people's organizations to publicly endorse and patronize products that are recyclable, durable, and repairable and those that are not over-packaged.

SEC. 20. *Environmental Education in the Formal and Non-Formal Sectors.* - The COMMISSION, in coordination with concerned government agencies and non-governmental organizations and private institutions, shall strengthen the integration of environmental concerns in school curricula at all levels, with particular emphasis on the theory and practice of waste management principles like waste minimization, specifically resource conservation and recovery, segregation at source, reduction, recycling, reuse and composting, in order to promote environmental awareness and action among the citizenry.

SEC. 21. *Business and Industry Role.* - The COMMISSION shall encourage COMMERCIAL and industrial ESTABLISHMENTS, through appropriate incentives OTHER THAN TAX INCENTIVES, TO INITIATE, PARTICIPATE AND INVEST IN ECOLOGICAL SOLID WASTE MANAGEMENT PROJECTS, to manufacture environment-friendly products, to introduce, develop and adopt innovative processes that SHALL recycle and reuse materials, conserve raw materials and energy, reduce waste, and prevent pollution, and to undertake community activities to promote AND PROPAGATE effective solid waste management practices.

CHAPTER III

CIVIL LIABILITIES/PENAL PROVISIONS

SEC. 22. *Prohibited Acts.* - The following acts are prohibited:

1 A) THE CONSTRUCTION OR OPERATION OF LANDFILLS OR ANY
2 TYPE OF GARBAGE DUMP ON ANY AQUIFER, GROUNDWATER RESERVOIR
3 OR WATERSHED AND/OR ANY PORTIONS THEREOF.

4 B) Littering or throwing garbage, or other SOLID
5 waste matters in public places, such as roads,
6 sidewalks, canals, esteros, parks, and establishments;

7 C) SQUATTING IN OPEN DUMPS AND LANDFILLS;

8 D) THE TAKING, WITHOUT THE CONSENT OF THE OWNER OR
9 GENERATOR, OF RECYCLABLE MATERIAL SET OUT TO BE COLLECTED BY
10 AN AUTHORIZED PERSON OR A COLLECTION SERVICE;

11 E) THE REMOVAL OF ANY RECYCLABLE MATERIAL FROM A
12 CONTAINER, BOX, COLLECTION VEHICLE, DEPOT OR OTHER
13 RECEPTACLE FOR THE ACCUMULATION OR STORAGE OF RECYCLABLE
14 MATERIAL WITHOUT THE PERMISSION OF THE OWNER OF THE
15 RECEPTACLE;

16 F) THE MIXING OF SOURCE-SEPARATED RECYCLABLE MATERIAL
17 WITH OTHER SOLID WASTE IN ANY VEHICLE, BOX, CONTAINER OR
18 RECEPTACLE USED IN SOLID WASTE COLLECTION OR DISPOSAL;

19 G) Open dumping, burying of bio-degradeable OR
20 NON-BIODEGRADABLE MATERIALS in flood prone areas, and
21 collection of non-segregated waste;

22 H) The manufacture, distribution or use of packaging
23 materials for consumer products, other than those indicated
24 as recyclable on the list WHICH SHALL BE PROVIDED BY THE
25 COMMISSION IN ACCORDANCE WITH THE PROVISIONS OF THIS
26 ACT; and

27 I) THE USE OF THE TERMS "RECYCLABLE" AND "WITH RECYCLED
28 CONTENT" AND THE LIKE ON PRODUCTS AND PACKAGES WITHOUT
29 COMPLYING WITH THE STANDARDS SET BY THE DEPARTMENT.

30 J) The importation of consumer products packaged in
31 materials other than those indicated in the same list.

32 SEC. 23. Penalties. - Any person who violates
33 Section 22(b) shall, upon conviction, be punished with a
34 fine of not less than Three hundred pesos (P300.00) but not

1 more than ONE THOUSAND PESOS (P1,000.00) or imprisonment of
2 not less than ONE (1) DAY TO NOT MORE THAN FIFTEEN (15) DAYS
3 or both, at the discretion of the Court.

4 Any person who violates Sec. 18 which provides for a
5 ban on open dumping and/or Sec. 22(q) shall, upon
6 conviction, be punished with a fine of not less than One
7 thousand pesos (P1,000.00) but not more than Three thousand
8 pesos (P3,000.00) or imprisonment of not less than fifteen
9 (15) days but not more than six (6) months, or both, at the
10 discretion of the Court.

11 Any person who violates Section 22(h) and (j) FOR THE
12 FIRST TIME shall, upon conviction, pay a fine of Five
13 hundred thousand pesos (P500,000.00) plus an amount not less
14 than five percent (5%) but not more than ten percent (10%)
15 of his net annual income during the previous year. THE
16 ADDITIONAL PENALTY OF IMPRISONMENT OF A MINIMUM PERIOD OF
17 ONE (1) YEAR, BUT NOT TO EXCEED THREE (3) YEARS AT THE
18 DISCRETION OF THE COURT, SHALL BE IMPOSED FOR SECOND OR
19 SUBSEQUENT VIOLATIONS OF SECTION 22 (h) AND (j).

20 If the offense is committed by a corporation,
21 partnership, or other juridical entity duly organized in
22 accordance with law, the chief executive officer, president,
23 general manager, managing partner or such other officer-in-
24 charge of the business operations shall be liable for the
25 commission of the offense penalized under this Act.

26 If the offender is an alien, he shall, after service of
27 the sentence prescribed above, be deported without further
28 administrative proceedings.

29 CHAPTER IV

30 MISCELLANEOUS PROVISIONS

31 SEC. 24. *Establishment of Multi-Purpose Cooperatives*
32 *or Associations in every LGU.* - Multi-purpose cooperatives
33 and associations that shall undertake activities to promote
34 the implementation and/or directly undertake projects in

1 compliance with the provisions of this Act shall be
2 encouraged and promoted in every LGU.

3 SEC. 25. *Grants to Local Government Units.* - The
4 National Government shall provide grants to any local
5 government unit, or cluster of units, that establishes and
6 adopts innovative solid waste management programs including
7 the promotion of the use of source reduction strategies and
8 techniques by businesses, schools and government offices in
9 their respective localities as well.

10 SEC. 26. ~~ECOLOGICAL~~ *Solid Waste Savings Associations.*
11 - The local councils shall be encouraged to establish
12 ~~ECOLOGICAL~~ Solid Waste Savings Associations whereby members
13 shall deposit segregated waste which will be recorded in a
14 passbook and withdrawal of equivalent cash value will be
15 allowed only at schedules to be specified by the councils.
16 Elected officers will lead in systematic segregation,
17 sorting and marketing of recyclable materials as well as in
18 composting activities.

19 SEC. 27. *Capital Fund for Local* ~~ECOLOGICAL~~ *Solid Waste*
20 *Management Initiatives.* - Government financial institutions,
21 including the Land Bank of the Philippines, and private
22 banks, whether in an independent capacity or with support
23 from other private funding institutions, shall be encouraged
24 to set aside seed capital for this purpose and shall serve
25 as the depositories of the Capital Fund. They shall be
26 responsible for the evaluation and approval of loans and/or
27 grants to local government units and to private solid waste
28 management cooperatives and associations accredited by the
29 COMMISSION.

30 SEC. 28. *ANNUAL REPORT.* - THE NATIONAL COMMISSION
31 ON ~~ECOLOGICAL~~ SOLID WASTE MANAGEMENT SHALL, AT THE CLOSE OF EACH
32 CALENDAR YEAR, SUBMIT AN ANNUAL REPORT TO CONGRESS, GIVING A
33 DETAILED ACCOUNT OF ITS PROCEEDINGS AND ACCOMPLISHMENTS
34 DURING THE YEAR AND MAKING RECOMMENDATIONS FOR THE ADOPTION

1 OF MEASURES THAT WILL UPGRADE THE NATIONAL INTEGRATED
2 ECOLOGICAL SOLID WASTE MANAGEMENT PROGRAM.

3 SEC. 29. *Appropriations.* - For the initial operating
4 expenses of the COMMISSION AND THE NATIONAL ECOLOGY CENTER
5 the amount of TWENTY MILLION PESOS (P20,000,000.00) is
6 hereby appropriated FROM THE ORGANIZATIONAL ADJUSTMENT FUND
7 ON THE YEAR THIS ACT IS APPROVED. Thereafter, it shall
8 submit to the Department of Budget and Management its
9 proposed budget for inclusion in the General
10 Appropriations Act.

11 CHAPTER V

12 FINAL PROVISIONS

13 SEC. 30. *ABOLITION OF THE PRESIDENTIAL TASK FORCE ON*
14 *WASTE MANAGEMENT AND THE PRESIDENTIAL MANAGEMENT OFFICE ON*
15 *SOLID WASTE MANAGEMENT.* - THE PRESIDENTIAL TASK FORCE ON
16 WASTE MANAGEMENT WHICH WAS CREATED BY VIRTUE OF MEMORANDUM
17 CIRCULAR NO. 39 DATED NOVEMBER 2, 1987, AS AMENDED BY
18 MEMORANDUM CIRCULAR NO. 39A AND 88 IS HEREBY ABOLISHED.
19 FURTHER, PURSUANT TO ADMINISTRATIVE ORDER NO. 90 DATED
20 OCTOBER 19, 1992, THE PRESIDENTIAL MANAGEMENT OFFICE ON
21 SOLID WASTE MANAGEMENT IS LIKEWISE HEREBY ABOLISHED.
22 CONSEQUENTLY, THEIR POWERS AND FUNCTIONS SHALL BE ABSORBED
23 BY THE COMMISSION PURSUANT TO THE PROVISIONS OF THIS ACT.

24 SEC. 31. *IMPLEMENTING RULES AND REGULATIONS.* - THE
25 NATIONAL COMMISSION AS HEREBY CREATED SHALL FORMULATE THE
26 IMPLEMENTING RULES AND REGULATIONS OF THIS ACT WITHIN SIXTY
27 (60) DAYS AFTER THE APPROVAL OF THIS ACT.

28 SEC. 32. *Separability Clause.* - If, for any reason,
29 any provision of this Act is declared unconstitutional or
30 invalid, such sections or parts not affected thereby shall
31 remain in full force and effect.

32 SEC. 33. *Repealing Clause.* - All laws, decrees,
33 issuances, rules and regulations, or parts thereof

1 inconsistent with the provisions of this Act are hereby
2 repealed or modified accordingly.

3 SEC. 34. *Effectivity.* - This Act shall take effect
4 fifteen (15) days after its publication in at least two (2)
5 newspapers of general circulation.

Approved,

SENATE

S. No. 1595

INTRODUCED BY SENATORS FLAVIER, OSMEÑA III, SANTIAGO,
REVILLA, HONASAN, LEGARDA-LEVISTE, AQUINO-ORETA,
BIAZON, JAWORSKI, OSMEÑA (J.), ENRILE AND
MAGSAYSAY JR.

AN ACT INSTITUTING AN INTEGRATED ECOLOGICAL
SOLID WASTE MANAGEMENT PROGRAM, CREATING
THE NATIONAL AND LOCAL SOLID WASTE COUNCILS
AND THE NECESSARY MECHANISMS AND
INCENTIVES, DECLARING CERTAIN ACTS PROHIBITED
AND PROVIDING PENALTIES, APPROPRIATING FUNDS
THEREFOR, AND FOR OTHER PURPOSES

*Be it enacted by the Senate and House of Representatives of the
Philippines in Congress assembled:*

CHAPTER I

GENERAL PROVISIONS

SECTION 1. *Short Title.* - This Act shall be known and
referred to as the "Integrated Ecological Solid Waste
Management Act of 2000."

SEC. 2. *Declaration of Policy.* - It is hereby declared the
policy of the State to adopt an integrated, comprehensive and
ecological waste management program, which will:

- 2 -

a) Utilize environmentally sound methods that maximize the
utilization of valuable resources and encourage resource conservation
in all communities;

b) Set guidelines and targets for solid waste avoidance and
volume reduction through source reduction and waste minimization
measures, including composting, recycling, reuse, recovery, green-
charcoal process, and others, before collection, treatment and
disposal in technically appropriate and environmentally sound solid
waste management facilities in accordance with ecologically
sustainable development principles;

c) Ensure the proper segregation, collection, transport,
treatment and disposal of solid waste through the formulation and
adoption of environmental best practice in ecological waste
management excluding incineration;

d) Encourage commercial and industrial establishments to
improve their environmental performance by adopting cleaner
production practices and source reduction schemes;

e) Retain primary enforcement responsibility and official
function for solid waste management with the local government units
while encouraging relevant cooperative activities among government
agencies, non-governmental organizations (NGOs) and the private
sector;

f) Institutionalize public participation in the development and
implementation of national and local integrated, comprehensive and
ecological waste management programs; and

1 g) Strengthen the integration of ecological solid waste
2 management and resource conservation and recovery topics into the
3 academic curricula of formal and non-formal education in order to
4 promote environmental awareness and action among the citizenry.

5 SEC. 3. *Definition of Terms.* - For the purposes of this Act:

6 a) Bureau - shall refer to the Environmental Management
7 Bureau;

8 b) Buy-back center - shall refer to a recycling center that
9 purchases or otherwise adopts recyclable materials from the public for
10 the purpose of recycling such materials;

11 c) Collection - means the act of removing solid waste from the
12 source or from a communal storage point;

13 d) Composting - is the aerobic biological decomposition of
14 organic materials or biodegradable waste materials to produce a stable
15 humus-like product called compost, which may be used as a soil
16 conditioner or organic fertilizer;

17 e) Controlled dump - means a disposal site at which solid waste
18 is deposited in accordance with the minimum prescribed standards
19 of site operation;

20 f) Department - shall refer to the Department of
21 Environment and Natural Resources;

22 g) Disposable product - shall mean a product which is
23 used by the consumer one or more times, after which it is
24 typically disposed of without further use or recycling;

25 h) Disposal - means the discharge, deposit, dumping,
26 spilling, leaking or placing of any solid waste into or in any land;

1 i) Disposal site - means a site where solid waste is
2 finally discharged and deposited;

3 j) Fund - shall refer to the Solid Waste Management
4 Fund;

5 k) Generator - shall refer to a person, natural or juridical, who
6 last uses a material and makes it available for disposal or recycling;

7 l) Industrial solid waste - solid waste which is generated as a
8 result of the manufacturing and/or production process;

9 m) Leachate - shall refer to the liquid produced when waste
10 undergo decomposition and when water percolates through solid
11 wastes undergoing decomposition. It is contaminated liquid that
12 contains dissolved and suspended materials;

13 n) Municipal Waste - shall refer to wastes produced from
14 activities within local government units which include a
15 combination of domestic, commercial, institutional and industrial
16 wastes and street litters;

17 o) Open Dump - is a disposal area wherein the solid
18 wastes are indiscriminately thrown or disposed of without due
19 planning and consideration to environmental and health impacts;

20 p) Materials Recovery Facilities (MRF) - There shall be
21 established an MRF in every city, municipality or shared facilities
22 with other municipalities. The MRF shall serve as the last stages for
23 final sorting, segregation, composting, and recycling of mixed waste
24 that escaped from the screening process and household and barangay
25 level including those waste collected from other sources such as

public parks and streets and waste paper and other open spaces. The resulting residual waste shall go for storage in the sanitary landfill;

q) Opportunity to Recycle - shall refer to the act of providing a place for collecting source-separated recyclable material, located either at a disposal site or at another location more convenient to the population being served, and collection at least once a month of source-separated recyclable material from collection service customers and to providing a public education and promotion program that gives notice to each person of the opportunity to recycle and encourage source separation of recyclable material;

r) Package - shall refer to any container used to store, contain, transport, display or sell products, excluding shipping containers or wrapping or other means of storage or transportation of any consumer products in bulk;

s) Packaging - shall mean and include all food related wrappings, adhesives, cords, bindings, strings, tapes, ribbons, bags, boxes, coverings and containers and shall further include cups, glasses, and similar containers for drinking out of or for holding liquids, and plates and serving trays, and utensils;

t) Person(s) - shall refer to any being, natural or juridical, susceptible of rights and obligations, or of being the subject of legal relations;

u) Post-collection separation - shall mean the sorting of solid waste into some or all of its component parts after the point of collection;

v) Post-consumer material - shall refer only to those materials or products generated by a business or consumer which have served their intended end use, and which have been separated or diverted from solid waste for the purpose of being collected, processed and used as a raw material in the manufacturing of a recycled product; excluding materials and by-products generated from, and commonly used within an original manufacturing process, such as mill scrap;

w) Receptacles - shall refer to individual containers used for the source separation and the collection of recyclable materials;

x) Recovered material - shall mean material and by-products that have been recovered or diverted from solid waste for the purpose of being collected, processed and used as a raw material in the manufacture of a recycled product;

y) Recyclable material - shall refer to any waste material retrieved from the waste stream and free from contamination that can still be converted into suitable beneficial use or for other purposes, including, but not limited to newspaper, ferrous scrap metal, non-ferrous scrap metal, used oil, corrugated cardboard, aluminum, glass, office paper, tin cans and other materials as may be determined by the Commission;

z) Recycled material - shall refer to post-consumer material that has been recycled and returned to the economy;

aa) Recycling - shall refer to the treating of used or waste materials through a process of making them suitable for beneficial use and for other purposes, and includes any process by which solid

1 waste materials are transformed into new products in such a manner
2 that the original products may lose their identity, and which may
3 be used as raw materials for the production of other goods or
4 services: *Provided*, That the collection, segregation and reuse of
5 previously used packaging material shall be deemed recycling under
6 this Act;

7 bb) Resource Recovery - refers to the collection, extraction or
8 recovery of recyclable materials from the waste stream for the purpose
9 of recycling, generating energy or producing a product suitable for
10 beneficial use: *Provided*, That, such resource recovery facilities
11 exclude incineration;

12 cc) Reuse - means the process of recovering materials
13 intended for the same or different purpose without the alteration of
14 physical and chemical characteristics;

15 dd) Sanitary Landfill - shall refer to a disposal site for residual
16 solid waste that cannot be recycled, composted or processed by any
17 other available technology which is designed, constructed, operated,
18 and maintained in a manner that exerts engineering control over
19 significant potential adverse environmental impact arising from the
20 development and operation of the facility, in particular, engineering
21 of the site is undertaken to contain and regulate the uncontrolled
22 leakage and seepage of leachate and landfill gas: *Provided*, That such
23 sanitary landfill shall not be situated in any aquifer, groundwater
24 reservoir and watershed area;

25 ee) Schedule of Compliance - shall refer to a listing of
26 remedial measures, including an enforceable sequence of actions or

1 operations to be accomplished within a stipulated time frame leading
2 to compliance with a limitation, prohibition, or standard set forth in
3 this Act or any rule or regulation issued pursuant thereto;

4 ff) Secretary - shall refer to the Secretary of the
5 Department of Environment and Natural Resources;

6 gg) Segregation - means a solid waste management
7 practice of separating different materials found in solid
8 waste in order to promote recycling and reuse of resources and to
9 reduce the volume of waste for collection and disposal;

10 hh) Segregation at source - shall refer to a solid waste
11 management practice of separating, at the point of origin, different
12 materials found in solid waste in order to promote recycling and reuse
13 of resources and to reduce the volume of waste for collection and
14 disposal;

15 ii) Solid waste - shall refer to all municipal wastes/refuse,
16 agricultural and non-hazardous waste such as street sweepings, and
17 construction and demolition debris;

18 jj) Integrated ecological solid waste management - shall
19 refer to the systematic administration of activities which provide
20 for segregation at source segregated transportation, storage, transfer,
21 processing, treatment, and disposal of solid waste and all other
22 waste management activities which do not harm the environment;

23 kk) Solid Waste Management Facility - shall refer to
24 any resource recovery system or component thereof; any system,
25 program, or facility for resource conservation; any facility for

the collection, source/separation, storage, transportation, transfer, processing, treatment, or disposal of solid waste;

ll) Source reduction - shall mean the reduction of solid waste before it enters the solid waste stream by methods such as product design, materials substitution, materials reuse and packaging restrictions;

mm) Source separation - shall mean the sorting of solid waste into some or all of its component parts at the point of generation;

nn) Yard waste - shall refer to wood, small or chipped branches, leaves, grass clippings, garden debris, vegetable residue that is recognizable as part of a plant or vegetable and other materials identified by the commission; and

oo) Hazardous waste - shall refer to toxic substances such as chemical, biomedical, infectious and radioactive wastes which can cause health hazards to people and damage the environment.

SEC. 4. *National Commission on Solid Waste Management.*

- There is hereby established a National Commission on Solid Waste Management, hereinafter referred to as the Commission. The Commission shall be composed of twelve (12) members from the government sector and four (4) members from the private sector. The government sector shall be represented by the heads of the following agencies in their ex officio capacity or those whoever they may designate to attend the meetings permanently:

a) Department of Environment and Natural Resources;

b) Department of Health;

c) Department of Science and Technology;

d) Department of Trade and Industry;

e) Department of Public Works and Highways;

f) Department of Agriculture;

g) Department of the Interior and Local Government;

h) Chairman of the Metro Manila Development Authority (MMDA);

i) President of the league of provincial governors;

j) President of the league of city mayors;

k) President of the league of municipal mayors; and

l) President of the association of barangay councils.

The private sector including, but not limited to, the packaging and manufacturing sector, non government organizations and environmental advocacy groups and organizations shall be appointed by the President for a term of three (3) years.

The DENR member and a private sector member of the commission shall serve as chair and co-chair respectively. Members of the commission shall be appointed on the basis of their integrity, high degree of professionalism and having distinguished himself/herself as an authority in environmental and resource management. The members of the Commission shall serve and continue to hold office until successors shall have been appointed and qualified. Should a member of the commission fail to complete his/her term, the successor shall be appointed by the President of the Philippines but only for the unexpired portion of the term. Finally,

1 the members shall be entitled to reasonable travelling expenses and
2 honoraria.

3 SEC. 5. *Powers and Functions of the Commission.* - The
4 Commission shall be primarily responsible for promoting ecologically
5 sound solid waste management principles, strategies, and techniques.
6 To this end, the Commission shall perform the following functions:

7 a) Formulate the national integrated ecological solid waste
8 management framework in accordance with the provisions of this
9 Act.

10 b) Assist the local governments in the establishment of local
11 solid waste management councils and ecology centers;

12 c) Coordinate the operation of local councils in the
13 provincial, municipal/city and barangay levels;

14 d) Develop and recommend integrated ecological solid
15 waste management action plans to local government units which give
16 priority to source and waste reduction, recycling and composting
17 programs;

18 e) Establish, after notice and hearing of the parties
19 concerned, standards, criteria, guidelines and formula that are
20 fair, equitable and reasonable, in establishing tipping charges and
21 rates that the proponent will charge in the operation and
22 management of solid waste management facilities and technologies;

23 f) Develop safety nets and alternative livelihood programs for
24 small recyclers and other sectors that will be affected as a result of
25 the construction and/or operation of a solid waste management
26 recycling plant or facilities;

1 g) Formulate and update a list of recyclable as well as non-
2 recyclable materials in accordance with the provisions of this Act. For
3 this purpose, it shall be necessary that proper consultation be
4 conducted by the Commission with all concerned industries to ensure
5 a list that is based on technological and economic viability;

6 h) Encourage private sector initiatives, community participation
7 and investments resource recovery-based livelihood programs for
8 local communities;

9 i) Encourage all local government agencies and all local
10 government units to patronize products manufactured using recycled
11 and recyclable materials;

12 j) Propose and adopt regulations requiring the source
13 separation and post separation collection, segregated
14 collection, processing, marketing and sale of organic and
15 designated recyclable material generated in each local
16 government unit;

17 k) Study and review the following:

18 i) Standards, criteria and guidelines for the promulgation and
19 implementation of an integrated national solid waste management
20 framework; and

21 ii) Criteria and guidelines for siting, design, operation and
22 maintenance of solid waste management facilities.

23 SEC. 6. *Meetings.* - The Commission shall meet at least
24 once a month. The presence of at least a majority of the members
25 shall constitute a quorum. The chairman or in his absence a vice
26 chairman shall be the presiding officer.

SEC. 7. *Local Government Units.* - Pursuant to the relevant provisions of Republic Act No. 7160, or the Local Government Code, the local government units shall be primarily responsible for the implementation and enforcement of the provisions of this Act within their respective jurisdictions by establishing their local ecological solid waste management councils: *Provided, That* for the National Capital Region, the Metro Manila Development Authority shall be given the primary responsibility for the implementation of this Act.

The provincial, municipal, city and barangay governments, through the local government sanggunians and in consultation with the local solid waste management councils, shall draft and adopt local integrated ecological solid waste management action plans and programs. In order to ensure optimal utilization of valuable resources and encourage resource conservation including waste minimization, in all residential houses, commercial and industrial establishments, educational institutions, agricultural, and other areas through environmentally sound integrated ecological solid waste management techniques and mechanisms, the local health and/or general services officers shall be responsible for the local implementation of the national standards and guidelines as well as of the local ordinances on local integrated ecological solid waste management.

The action plans shall be submitted by the local executives to the Commission within one (1) year from the promulgation of the

framework to ensure that the action plans are in accordance with the declared policies under this Act.

In order to ensure enforcement of the provisions of this Act, the local government units shall also:

a) ensure the integration of ecological solid waste management plans into other local development planning and implementation programs and activities;

b) enact and enforce local ordinances for the proper segregation, collection, transport, storage, treatment and disposal of solid waste, including permitting fees, pollution and other charges, and penalties for violations: *Provided, That* such ordinances shall be in accordance with the national policy on integrated ecological solid waste management and the criteria/guidelines set by the Commission for the implementation of the provisions of this Act, and shall enhance and promote waste prevention and the opportunity to recycle;

c) extensively consult with the local solid waste management councils with regard to general and expert information, research, education and training, and assessment of integrated ecological solid waste management policy, practices and techniques that promote waste prevention and enhance the opportunity to compost and recycle; and

d) provide assistance and support for promoting among local communities the opportunity to recycle through facilitation of the location, establishment and operation of local recycling centers and

1 other private sector initiatives for the implementation of the provisions
2 of this Act.

3 SEC. 8. *The National Ecology Center.* - There shall be
4 established a National Ecology Center of the Commission which shall
5 provide consulting, information, training, and networking services for
6 the implementation of the provisions of this Act.

7 In this regard, it shall perform the following functions:

8 a) Facilitate training and education in integrated ecological solid
9 waste management;

10 b) Establish and manage a integrated ecological solid waste
11 management information data base:

12 1) on integrated ecological solid waste generation and
13 management techniques as well as the management, technical and
14 operational approaches to resource recovery; and

15 2) of processors/recyclers, the list of materials being recycled
16 or bought by them and their respective prices;

17 c) Promote the development of a recycling market through the
18 establishment of a national recycling network that will enhance the
19 opportunity to recycle;

20 d) Provide or facilitate expert assistance in pilot modeling of
21 solid waste management facilities; and

22 e) Develop, test, and disseminate model waste
23 minimization and reduction auditing procedures for evaluating options.

24 To this end, the National Ecology Center shall be headed by
25 the Director of the Bureau in his ex officio capacity. It shall

1 maintain a multi-sectoral, multi-disciplinary pool of experts including
2 those from the academe, inventors, practicing professionals, business
3 and industry, youth, women and other concerned sectors, who
4 shall be screened according to qualifications set by the
5 Commission.

6 SEC. 9. *The Local Solid Waste Management Councils.* -
7 There shall be established in every province a Provincial Solid
8 Waste Management Council (PSWMC) and in every municipality
9 or city, a Municipal or City Solid Waste Management Council (M/
10 CSWMC) for the purpose of assisting local government units in
11 preparing and implementing local solid waste action plans in
12 accordance with the provisions of this Act. The local councils, in
13 coordination with the DECS and the DILG, shall provide consulting,
14 training, information and networking services for the local government
15 units.

16 Each local Solid Waste Management Council shall be
17 composed of the following:

- 18 a) the local government chief executive as Chairperson;
19 b) the local government health and/or general services
20 officer, whichever may be recommended by the local chief
21 executive;
22 c) the local environment and natural resources officer or if not
23 available in the municipality, the recommendee of the provincial
24 natural resource officer in an interim capacity;
25 d) the local government engineer;

e) a representative each of the League of Mayors and the *Liga ng Mga Punong Barangay* of the province, or a representative of the *Liga ng mga Punong Barangay* of the city or municipality; and
f) a representative from the private sector who shall be appointed by the local government chief executive for a term of two (2) years unless revoked earlier.

SEC. 10. *Cooperative Activities.* - The Commission shall encourage cooperative activities by other government agencies and the local government units for the effective and efficient implementation of integrated national integrated ecological solid waste management action plans. It shall also encourage the enactment of improved and, so far as practicable in the light of varying conditions and needs, uniform laws and local ordinances relating to solid waste management to assure the utilization of all appropriate and available facilities and resources of the national government for the implementation of the National Integrated Ecological Solid Waste Management Framework.

SEC. 11. *Mandatory Source Separation for Residential and Commercial Premises.* - Commencing one (1) year from the enactment of this Act, all owners or persons in control of any residential or commercial premises shall be required to separate from all other refuse collected or received by the municipality or any other collector the following items:

- a) newsprint;
- b) office paper;

- c) cardboard;
- d) glass bottles and jars;
- e) aluminum cans;
- f) steel and bi-metal cans;
- g) food and organic waste;
- h) toxic materials, including but not limited to batteries, fluorescent bulbs, paint and thinner cans, insecticide containers and such other items as may be mandated by the Commission.

For premises containing six (6) or more residential units, the local government unit shall promulgate regulations requiring the owner or person in charge of such premises to:

- a) provide for the residents a designated area and containers in which to accumulate source separated recyclable materials to be collected by the municipality or private center; and
- b) notify the occupants of such buildings of the requirements of this Act and the regulations promulgated pursuant thereto.

SEC. 12. *Establishing Mandatory Solid Waste Reduction, Recycling and Composting Programs.* - Each local government unit shall within twelve (12) months after the effectivity of this Act put into place programs and measures to reduce the total discarded or disposed solid wastes generated within its jurisdiction by the following percentages by weight, of the total combined residential and commercial solid waste generated within the municipality during the calendar year prior to the enactment of this Act:

1 a) at least twenty-five percent (25%) of the municipality's solid
2 waste stream within three (3) years of the enactment of this Act;

3 b) at least thirty-five percent (35%) of the municipality's solid
4 waste stream within five (5) years of the enactment of this Act;

5 c) at least fifty percent (50%) of the municipality's solid waste
6 stream within seven (7) years of the enactment of this Act;

7 d) at least seventy percent (70%) of the municipality's solid
8 waste stream within ten (10) years of the enactment of this Act.

9 The programs and measures to accomplish these goals shall
10 rely upon recycling, composting, or avoided waste production. Such
11 programs and measures may be designed to increase private sector
12 or residential recycling, to implement waste reduction or reuse
13 measures, or to export waste for the purpose of recycling.

14 Local government units shall provide for the source
15 separation, separate collection and composting of all food, yard and
16 organic wastes generated within its jurisdiction, unless the generator
17 otherwise provides for recycling or storage for composting.

18 Thereafter, no sanitary landfill, and solid waste collector shall accept
19 organic wastes for final disposal.

20 All government agencies responsible for the maintenance
21 of public lands shall to the maximum extent practicable and
22 feasible give preference to the use of compost materials derived from
23 the local government unit's organic waste in all land maintenance
24 activities.

1 SEC. 13. *Recycling Plans*. - Each local government unit, with
2 the assistance of its local waste management council (local recycling
3 council) and the National Ecology Center, shall develop within six
4 (6) months of enactment of this Act, a preliminary recycling plan that
5 shall cover the next ten (10) years. The preliminary plan and
6 subsequent plans shall include but shall not be limited to the
7 following:

8 a) A waste composition analysis that identifies the quality,
9 quantity and composition of the local government units' solid waste
10 by barangay;

11 b) Annual recycling and reduction goals equal to or exceeding
12 the mandatory minimum levels of this Act, including the quantity and
13 composition of recyclable materials to be collected, processed,
14 marketed and sold by each barangay;

15 c) A five-year strategy for collecting, processing, marketing and
16 selling the designated recyclable materials, taking into account persons
17 engaged in the business of recycling or persons otherwise providing
18 recycling services before the effectivity of this Act. Such strategy may
19 be based upon the results of the waste composition analysis performed
20 pursuant to this section or information obtained in the course of past
21 collection of solid waste by the local government unit, and may
22 include recommendations with respect to increasing the number of
23 materials designated for recycling pursuant to this Act;

24 d) A comprehensive and up-to-date list of large-scale generators
25 of recyclable materials within the jurisdiction of the local government

1 unit concerned and potential purchasers of recyclable material both
2 within the same jurisdiction and in other locations;

3 e) A comprehensive analysis of all appropriate local government
4 properties and facilities to determine the feasibility of their use as
5 recycling and composting centers;

6 f) Proposed methods and programs to achieve a reduction in
7 the local government unit's solid waste stream, including but not
8 limited to, identifying materials whose use should be regulated or
9 restricted based upon their incompatibility with recycling;

10 g) Recommended revisions to the building ordinances, requiring
11 newly constructed buildings and buildings undergoing specified
12 alterations to contain storage space, devices or mechanisms that
13 facilitate source separation and storage of designated recyclable
14 materials to enable the local government unit to efficiently collect,
15 process, market and sell the designated materials. Such
16 recommendations shall include, but shall not be limited to, separate
17 chutes to facilitate source separation in multi-family dwellings, storage
18 areas that conform to fire and safety code regulations; and specialized
19 storage containers;

20 h) To the extent feasible, proposals developed in consultation
21 with local transportation officials to separate, collect and recycle
22 recyclable materials that are discarded at transportation facilities,
23 including bus, railroad and ferry stations;

24 i) Proposals developed in consultation with the Department of
25 Education, Culture and Sports, the Department of Health, hospitals

1 and other appropriate entities to separate, collect and recycle materials
2 that are discarded at schools, hospitals and other similar institutions
3 throughout the local government unit;

4 j) A proposal for an incentive program, including cash
5 incentives, to encourage recycling participation locally;

6 k) An evaluation of the economic development benefits of
7 alternative recycling methods and strategies;

8 l) A detailed report of the recycling activities of the local
9 government unit during the preceding year which includes a summary
10 of outstanding recycling problems confronting the local government
11 unit in order of priority;

12 m) Recommendations concerning legislation that the local waste
13 management councils deem necessary or desirable to assist in solving
14 these recycling problems; and

15 n) The local government units' plans for recycling and reduction
16 activities and programs during the next year.

17 SEC. 14. *Monitoring Waste Reduction Levels and Success of*
18 *Recycling Programs.* - In any of the first four years following the
19 effective date of this Act in which the Commission determines that
20 the local government units are unable to achieve the level of recycling
21 required for that year as specified in this Act, the Commission shall
22 submit to Congress a report detailing the exact shortfall, setting forth
23 the reasons for its occurrence and proposing a plan for specific
24 programs to make up the shortfall in subsequent years.

25 The Commission shall annually review the National Recycling
26 Program within the National Solid Waste Management Framework and

1 all rules and regulations promulgated thereunder, and shall make the
2 necessary revisions to improve the efficiency of collecting, processing,
3 marketing and selling the materials recycled. These revisions may
4 include designating additional recyclable materials. The Commission
5 shall not delete designated materials so that the total quantity by
6 weight of all designated recyclable materials collected, processed,
7 marketed and sold does not decrease.

8 SEC. 15. *Recycling Market Development.* - The Commission
9 together with the National Ecology Center, the Department of Trade
10 and Industry and the Department of Finance shall establish procedures,
11 standards and strategies to market recyclable materials and develop
12 the local market for recycled goods, including but not limited to:

13 a) measures providing economic incentives and assistance
14 including loans and grants for the establishment of privately owned
15 facilities to manufacture finished products from post-consumer
16 materials;

17 b) guarantees by the national and local governments to purchase
18 a percentage of the output of the facility; and

19 c) maintaining a list of prospective buyers, establishing contact
20 with prospective buyers and reviewing and making any necessary
21 changes in collecting or processing the materials to improve their
22 marketability.

23 In order to encourage establishment of new facilities to produce
24 goods from post-consumer and recovered materials generated within
25 local government units, and to conserve energy by reducing materials
26 transportation, whenever appropriate, each local government unit may

1 arrange for long-term contracts to purchase a substantial share of the
2 product output of a proposed facility which will be based in the
3 jurisdiction of the local government unit if such facility will
4 manufacture such finished products from post-consumer and recovered
5 materials.

6 Within eighteen (18) months after effectivity of this Act, the
7 Commission shall submit to Congress a study of existing markets for
8 processing and purchasing recyclable materials and the potential steps
9 necessary to expand these markets. Such study shall also include a
10 proposal developed in conjunction with the appropriate agencies
11 to use where feasible the local government units' tax and finance
12 authority to stimulate the demand for the production of products
13 containing post-consumer and recovered materials.

14 SEC. 16. *National Packaging and Research Institute.* -
15 There is hereby established a National Packaging and Research
16 Institute which shall have the following functions:

17 a) To conduct research and data gathering on waste
18 management, including but not limited to the different kinds of wastes
19 such as solid wastes, hazardous and toxic wastes and recoverable or
20 recyclable wastes;

21 b) To formulate a strategy either in terms of technology or
22 practice in dealing with all types of wastes for purposes of reusing
23 and recycling waste resource into other uses such as housing and
24 construction materials;

c) To design, recommend and integrate in the manufacturing and packaging sectors a resource recovery program including the substitution of non recoverable materials;

d) To recommend a volume and toxic reduction strategy in the manufacturing process of industry which would include a calibrated phaseout of nonrecoverable products after adequate consultation with sectors in the industry that would incorporate economic and technical viability;

e) To promote closed loop systems in recycling, such as glass bottles be manufactured into new glass bottles, and old newspapers converted into recycled newsprints;

f) To develop alternative packaging materials which are recyclable or renewable; and

g) To formulate an intensive continuing information and education campaign in schools and universities, media industry and local communities the benefits of waste management, recycling and resource recovery.

In consultation with consumer groups, environmental groups, business organizations and members of the general public, the Institute shall take on the following additional tasks:

1) monitor industry and governmental actions relating to environmentally acceptable packaging;

2) recommend actions other levels of government and industry can take to advance the goals of this Act; and

3) assist in efforts to expand the local government unit's recycling programs to include the collection of potentially recyclable

materials not presently collected, including consideration of financial assistance.

The institute shall have a board to be headed by the Secretary of the Department of Science and Technology. Other members of the board shall come from the private sector, related government agencies and the academe involved with packaging related services and projects, as well as integrated ecological solid waste management. The Institute shall complement the National Packaging Research Center of the Department of Science and Technology on Research and Development Activities and Services on Environmental Protection.

CHAPTER II

INTEGRATED ECOLOGICAL SOLID WASTE MANAGEMENT FRAMEWORK AND ACTION PLANS

SEC. 17. *National Integrated Ecological Solid Waste Management Framework.* - Within one (1) year from the establishment of the Commission, an integrated national and local solid waste management framework program shall be promulgated which shall include:

(a) The publication of an inventory of all solid waste disposal facilities or sites in the country which are classified as open dumps within the meaning of this Act;

(b) The varying regional geologic, hydrologic, climatic, and other factors vital in the implementation of solid waste practices to ensure the reasonable protection of: (1) the quality of surface and groundwater from leachate contamination, (2) the quality of surface

1 waters from surface run-off contamination, and (3) ambient air
2 quality;

3 (c) Characteristics and conditions of collection, storage,
4 processing, disposal, operating methods, techniques and practices,
5 location of facilities where such operating methods, techniques and
6 practices are conducted, taking into account the nature of the material
7 to be disposed;

—8 (d) Methods for closing or upgrading open dumps into
9 controlled dumps and eventually into sanitary landfills and/or
10 materials recovery facilities for purposes of eliminating potential
11 health hazards;

12 (e) Population density, distribution, and projected growth;

13 (f) The type/s and location of solid waste transport
14 facilities;

15 (g) The profile of sources, including industrial, commercial,
16 domestic and other sources;

17 (h) The characterization and generation rates of waste;

8 (i) The political, economic, organizational, financial and
19 management problems affecting comprehensive solid waste
20 management; and

21 (j) Practical applications of environmentally sound
22 techniques of waste minimization such as, but not limited to, resource
23 conservation, segregation at source, recycling, resource recovery
24 including waste-to-energy generation, reuse and composting;

25 (k) A technical and economic description of the level of
26 performance that can be attained by various available solid waste

1 management practices which provide for the protection of public
2 health and the environment;

3 (l) A description of levels of performance and appropriate
4 methods and degrees of control that provide, at the minimum, for
5 protection of public health and welfare through:

6 1) Protection of the quality of groundwater and
7 surface waters from leachate and run-off contamination;

8 2) Disease and epidemic prevention and control;

9 3) Prevention and control of offensive odor; and

10 4) Safety and aesthetics;

11 (m) Minimum criteria to be used by the local government
12 units to define those integrated ecological solid waste management
13 practices, which constitute open dumping and are to be prohibited.
14 As much as practicable, such guidelines shall also include minimum
15 information for use in deciding the adequate location, design, and
16 construction of facilities associated with solid waste management
17 practices, including the consideration of regional, geographic,
18 demographic, and climatic factors; and

19 n) The method and procedure for the phase-out period and the
20 eventual closure within eighteen (18) months from the effectivity of
21 this Act in case of existing open dumps and/or sanitary landfill located
22 within an aquifer, ground water reservoir or watershed.

23 SEC. 18. *Local Waste Management Action Plans.* - All
24 integrated ecological solid waste management action plans of local

1 government units must comply with the guidelines in accordance
2 with the framework established by the Commission and shall:

3 (a) Identify the responsibilities of the local government unit in
4 the implementation of its plan;

5 (b) Prohibit the establishment of new open dumps within the
6 local government unit and require that all solid waste shall either be
7 utilized for recycling and materials recovery or disposed of in
8 sanitary landfills or controlled dumps, or otherwise disposed of in
9 any other environmentally-sound manner;

10 (c) Provide for the phase-out or eventual closure, or
11 upgrading into sanitary landfills, of all existing open dumps within
12 the local government unit within eighteen (18) months from the
13 effectivity of this Act and pursuant to the provisions of this Act;

14 (d) Provide that the local government unit shall not be
15 prohibited from entering into long-term agreements for the operation,
16 management and implementation of specific aspects of integrated
17 ecological solid waste management action plans and/or supply of solid
18 waste to recycling and materials recovery facilities;

19 (e) Provide for resource conservation or recovery schemes and
20 disposal of solid waste in sanitary landfills or any combination of
21 practices, such as, but not limited to, segregation at source, recycling,
22 reuse, and composting, as may be necessary to use or dispose of such
23 waste in a manner that is environmentally-sound;

24 (f) Provide a time frame for the rehabilitation and/or
25 reclamation of abandoned open dumpsites/sanitary landfills after

1 reaching their full potential so they can be utilized for commercial
2 and industrial purposes; and

3 (g) Prohibit any establishment within two hundred meters from
4 open dumps and one hundred meters from sanitary landfills.

5 For purposes of compliance with paragraph (e) hereof,
6 each local government unit plan shall contain a requirement that all
7 existing disposal facilities or sites for solid waste which are open
8 dumps shall comply with such measures as may be promulgated by
9 the Secretary to eliminate health hazards and minimize potential health
10 hazards.

11 Each action plan shall establish, for any entity which
12 demonstrates that it has considered other public or private
13 alternatives for integrated ecological solid waste management to
14 comply with the prohibition on open dumping but is unable to utilize
15 such alternatives to comply, a timetable or schedule for compliance
16 which specifies a schedule or remedial measures, including an
17 enforceable sequence of actions or operations leading to compliance
18 with the prohibition on open dumping of solid waste within a
19 reasonable time, which in no case shall exceed eighteen (18) months.

20 Each local government unit shall develop formulas and
21 mechanisms for determining the avoided disposal costs attributable to
22 the recycling program mandated by this Act, and shall implement
23 appropriate mechanisms for sharing such savings through price
24 supports, rebates, bonuses or other methods with persons and entities
25 who are helpful in achieving the waste reduction goals of this Act,
26 but not necessarily limited to the following:

1 a) Sanitation or public works workers based on verifiable gains
2 in reduction of solid waste generation;

3 b) Businesses using secondary materials located within the
4 municipality to the extent that such companies provide new or
5 enhanced markets for recycled materials or otherwise accomplish
6 reductions of the waste stream by utilizing secondary materials; and

7 c) Buy-back and drop off centers, and other community based
8 waste reduction or recycling efforts which in the opinion of the local
9 waste management council have provided or can provide innovative
10 waste reduction strategies or which are conducting strategies which
11 will be important in assisting the local government unit concerned to
12 achieve the waste reduction goals set forth in this Act.

13 SEC. 19. *Guidelines for Identification of Common Solid Waste*
14 *Management Problems.* - For purposes of encouraging and
15 facilitating the development of local government action plans for
16 solid waste management, the Department, in consultation with
17 the Commission, shall, as soon as practicable but not later than three
18 (3) months from the effectivity of this Act, publish guidelines for the
19 identification of those areas which have common solid waste
20 management problems and are appropriate units for clustered solid
21 waste management services.

22 SEC. 20. *Establishment of Common Waste Treatment and*
23 *Disposal Facilities.* - All provinces, cities, municipalities and
24 barangays are hereby mandated to establish common waste disposal
25 facilities to be situated in a location agreed upon by them.

1 The Department and the national and local solid waste
2 management councils shall provide technical assistance to the local
3 government units.

4 SEC. 21. *Prohibition against Open Dumping of Solid*
5 *Waste.* - Any solid waste management practice or disposal of solid
6 waste which constitutes the open dumping of solid waste is hereby
7 prohibited, except in the case of any practice or disposal of solid
8 waste under a timetable or schedule for compliance established under
9 Section 18: *Provided*, That solid industrial waste can be disposed
10 of in controlled dumps.

11 SEC. 22. *Disposable Products.* - Within one (1) year from the
12 effectivity of this Act, the Commission together with the Institute
13 shall, after public notice and hearing, prepare a list of disposable
14 products that shall be prohibited according to a schedule that shall
15 be prepared by the Commission: *Provided, however*, That no
16 disposable product shall be prohibited unless the Commission
17 first finds that there are alternatives available which:

- 18 a) are environmentally acceptable as defined in this Act;
19 b) are available to consumers at no more than ten percent
20 (10%) greater cost than the disposable product; and
21 c) neither contain, nor are manufactured with ozone depleting
22 substances and other chemicals required to be reported under Republic
23 Act No. 6969.

24 Notwithstanding any other provision to the contrary, this
25 section shall not apply to:

1 a) Packaging used at hospitals or nursing homes; and

2 b) Any packaging which is not environmentally acceptable, but
3 for which there is no commercially available alternative as determined
4 by the Commission.

5 The Commission shall annually review and expand the list of
6 prohibited disposable products.

7 SEC. 23. *Prohibition on the Use of Disposable Packaging.* -

8 No person owning, operating or conducting a food establishment in
9 the country shall sell or convey at retail or possess with the intent
10 to sell or convey at retail any food or beverage that is placed,
11 wrapped or packaged in or on packaging which is not environmentally
12 acceptable packaging. The presence on the premises of the food
13 establishment of packaging, which is not environmentally acceptable
14 packaging shall constitute a rebuttable presumption of intent to sell
15 or convey at retail to customers packaging that is not
16 environmentally acceptable packaging: *Provided*, that this section shall
17 not apply to manufacturers, brokers or warehouse operators who
18 conduct or transact no retail food or beverage business: *Provided*,
19 *further*, That the Commission shall determine a phaseout period after
20 proper consultation and hearing with the stakeholders or with the
21 sectors concerned.

22 Any person who is a manufacturer, broker or warehouse
23 operator engaging in the distribution or transportation of food or
24 beverages within the country shall file a report with the local
25 government unit involved within one (1) year of the adoption of this
26 Act, and annually thereafter, listing those food or beverage products

1 that are available to said person in packaging which is not
2 environmentally acceptable. The Commission shall prescribe the form
3 of such report in its regulations.

4 A violation of this section shall be sufficient grounds for the
5 revocation, suspension, denial or non-renewal of any license for the
6 food or retail establishment in which the violation occurs.

7 SEC. 24. *Public Education and Information.* - The

8 Commission shall, in coordination with the PIA, the DECS, and other
9 concerned agencies, conduct a continuing education and information
10 campaign on integrated ecological solid waste management. Such
11 education and information program shall:

12 (a) Aim at developing public awareness of the ill-effects of the
13 solid waste problem and demonstrating what the public can do to
14 minimize, if not resolve, it;

15 (b) Concentrate on activities which are feasible and which will
16 have the greatest impact on the solid waste problem of the country,
17 like resource conservation and recovery, recycling, segregation at
18 source, reuse, reduction and composting of solid waste; and

19 (c) Encourage the general public and the non-governmental and
20 people's organizations to publicly endorse and patronize products that
21 are recyclable, durable, and repairable and those that are not over-
22 packaged.

23 SEC. 25. *Environmental Education in the Formal and*
24 *Non-Formal Sectors.* - The Commission, in coordination with
25 concerned government agencies and non-governmental
26 organizations and private institutions, shall strengthen the

1 integration of environmental concerns in school curricula at all levels,
2 with particular emphasis on the theory and practice of waste
3 management principles like waste minimization, specifically resource
4 conservation and recovery, segregation at source, reduction, recycling,
5 reuse and composting, in order to promote environmental awareness
6 and action among the citizenry.

7 SEC. 26. *Business and Industry Role.* - The Commission
8 shall encourage commercial and industrial establishments, through
9 appropriate incentives other than tax incentives, to initiate, participate
10 and invest in integrated ecological solid waste management projects,
11 to manufacture environment-friendly products, to introduce, develop
12 and adopt innovative processes that shall recycle and reuse materials,
13 conserve raw materials and energy, reduce waste, and prevent
14 pollution, and to undertake community activities to promote and
15 propagate effective solid waste management practices.

16 CHAPTER III

17 CIVIL LIABILITIES/PENAL PROVISIONS

8 SEC. 27. *Prohibited Acts.* - The following acts are
9 prohibited:

10 a) The construction or operation of landfills or any type of
11 garbage dump on any aquifer, groundwater reservoir or watershed
12 and/or any portions thereof.

13 b) Littering or throwing garbage, or other solid waste matters
14 including human waste in public places, such as roads, highways,
15 sidewalks, canals, esteros, parks, and establishments;

1 c) Squatting in open dumps and landfills;

2 d) The taking, without the consent of the owner or
3 generator, of recyclable material set out to be collected by an
4 authorized person or a collection service;

5 e) The removal of any recyclable material from a
6 container, box, collection vehicle, depot or other receptacle for the
7 accumulation or storage of recyclable material without the permission
8 of the owner of the receptacle;

9 f) The mixing of source-separated recyclable material with other
10 solid waste in any vehicle, box, container or receptacle used in solid
11 waste collection or disposal;

12 g) Open dumping, burying of biodegradable or non-
13 biodegradable materials in flood prone areas, and collection of non-
14 segregated waste;

15 h) The manufacture, distribution or use of packaging
16 materials for consumer products, other than those indicated as
17 recyclable on the list which shall be provided and published in two
18 (2) newspapers of general circulation by the Commission in
19 accordance with the provisions of this Act; and

20 i) The use of the terms "recyclable" and "with recycled
21 content" and the like on products and packages without
22 complying with the standards set by the Department.

23 J) The importation of consumer products packaged in
24 materials other than those indicated in the same list.

25 SEC. 28. *Penalties.* - Any person who violates Section 27
26 (b) shall, upon conviction, be punished with a fine of not less than

1 Three hundred pesos (P300.00) but not more than One thousand
2 pesos (P1,000.00) or imprisonment of not less than one (1) day to
3 not more than fifteen (15) days or both, at the discretion of the Court.

4 Any person who violates Sec. 21 which provides for a ban on
5 open dumping and/or Sec. 27 (c), (d), (e), (f) and (g) shall, upon
6 conviction, be punished with a fine of not less than One thousand
7 pesos (P1,000.00) but not more than Three thousand pesos
8 (P3,000.00) or imprisonment of not less than fifteen (15) days but
9 not more than six (6) months, or both, at the discretion of the Court.

10 Any person who violates Section 27 (a), (h), (i) and (j) for the
11 first time shall, upon conviction, pay a fine of Five hundred thousand
12 pesos (P500,000.00) plus an amount not less than five percent (5%)
13 but not more than ten percent (10%) of his net annual income during
14 the previous year. The additional penalty of imprisonment of a
15 minimum period of one (1) year, but not to exceed three (3) years
16 at the discretion of the court, shall be imposed for second or
17 subsequent violations of Section 27 (h) and (j).

18 If the offense is committed by a corporation, partnership, or
19 other juridical entity duly organized in accordance with law, the chief
20 executive officer, president, general manager, managing partner or
21 such other officer-in-charge shall be liable for the commission of
22 the offense penalized under this Act.

23 If the offender is an alien, he shall, after service of the
24 sentence prescribed above, be deported without further
25 administrative proceedings.

1 CHAPTER IV

2 MISCELLANEOUS PROVISIONS

3 SEC. 29. *Establishment of Multi-Purpose Cooperatives or*
4 *Associations in every LGU.* - Multi-purpose cooperatives and
5 associations that shall undertake activities to promote the
6 implementation and/or directly undertake projects in compliance with
7 the provisions of this Act shall be encouraged and promoted in every
8 LGU.

9 SEC. 30. *Grants to Local Government Units.* - The
10 National Government shall provide grants to any local
11 government unit, or cluster of units, that establishes and adopts
12 innovative solid waste management programs including the promotion
13 of the use of source reduction strategies and techniques by
14 businesses, schools and government offices in their respective
15 localities as well.

16 SEC. 31. *Reclamation Programs and Buy-back Centers for*
17 *Recyclables and Toxics.* - The National Ecology Center shall assist
18 local government units in establishing and implementing deposit or
19 reclamation programs in coordination with manufacturers that provide
20 separate collection systems or convenient drop-off locations for
21 recyclable materials and particularly for separated toxic components
22 of the waste stream like dry cell batteries and tires to ensure that they
23 are not incinerated or disposed of in a landfill. The Center may
24 establish in consultation with manufacturers concerned a reasonable
25 deposit charge for these materials pursuant to this section. Upon
26 effectivity of this Act, toxic materials present in the waste stream

1 should be separated at source, collected separately, and further
2 screened out before landfilling and sent to appropriate hazardous waste
3 treatment and disposal plants, consistent with the provisions of
4 Republic Act No. 6969.

5 SEC. 32. *Capital Fund for Local Solid Waste*
6 *Management Initiatives.* - Government financial institutions, including
7 the Land Bank of the Philippines, and private banks, whether in
8 an independent capacity or with support from other private funding
9 institutions, shall be encouraged to set aside seed capital for this
10 purpose and shall serve as the depositories of the Capital Fund. They
11 shall be responsible for the evaluation and approval of loans and/or
12 grants to local government units and to private solid waste
13 management cooperatives and associations accredited by the
14 Commission.

15 SEC. 33. *Annual report.* - The National Commission on
16 Solid Waste Management shall, at the close of each calendar
17 year, submit an annual report to Congress, giving a detailed account
18 of its proceedings and accomplishments during the year and making
19 recommendations for the adoption of measures that will upgrade the
20 national integrated ecological solid waste management program.

21 SEC. 34. *Joint Congressional Oversight Committee.* - there is
22 hereby created a Joint Congressional Oversight Committee to monitor
23 the implementation of this Act. The Committee shall be composed
24 of five (5) Senators and five (5) Representatives to be appointed by
25 the Senate President and the Speaker of the House of Representatives

1 respectively. The Oversight Committee shall be co-chaired by a
2 Senator and a Representative designated by the Senate President and
3 the Speaker of the House of Representatives respectively.

4 SEC. 35. *Appropriations.* - For the initial operating expenses of
5 the Commission and the National Ecology Center as well as the
6 expenses of the local government units to carry out the mandate of
7 this Act, the amount of Twenty million pesos (P20,000,000.00) is
8 hereby appropriated from the Organizational Adjustment Fund on the
9 year this Act is approved. Thereafter, it shall submit to the
10 Department of Budget and Management its proposed budget for
11 inclusion in the General Appropriations Act.

12 CHAPTER V

13 FINAL PROVISIONS

14 SEC. 36. *Abolition of the Presidential Task Force on Waste*
15 *Management and the Presidential Management Office on Solid Waste*
16 *Management.* - The Presidential Task Force on Waste Management
17 which was created by virtue of Memorandum Circular No. 39 dated
18 November 2, 1987, as amended by Memorandum Circular No. 39A
19 and 88 is hereby abolished. Further, pursuant to Administrative
20 Order No. 90 dated October 19, 1992, the Presidential Management
21 Office on Solid Waste Management is likewise hereby abolished.
22 Consequently, their powers and functions shall be absorbed by the
23 Commission pursuant to the provisions of this Act.

24 SEC. 37. *Implementing Rules and Regulations.* - The
25 National Commission as hereby created shall formulate the

1 implementing rules and regulations of this Act within sixty (60) days
2 after the approval of this Act.

3 SEC. 38. *Separability Clause.* - If, for any reason, any
4 provision of this Act is declared unconstitutional or invalid, such
5 sections or parts not affected thereby shall remain in full force and
6 effect.

7 SEC. 39. *Repealing Clause.* - All laws, decrees, issuances, rules
=8 and regulations, or parts thereof inconsistent with the provisions of
9 this Act are hereby repealed or modified accordingly: *Provided*, That
10 in case of inconsistency between this Act and the provisions of
11 Republic Act No. 8749, otherwise known as the Clean Air Act the
12 latter law shall prevail.

13 SEC. 40. *Effectivity.* - This Act shall take effect fifteen (15)
14 days after its publication in at least two (2) newspapers of general
15 circulation.

Approved,