

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

Thirteenth Congress

First Regular Session

HOUSE BILL NO. 4488



INTRODUCED BY HONORABLE DANILO E. SUAREZ

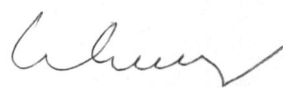
EXPLANATORY NOTE

The 1987 Philippine Constitution has always stressed the State's duty to protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature. In so doing, the State recognizes that a clean and healthy environment is for the good of all and should therefore be the concern of all. Hence, it recognizes the principle that "polluters must pay".

The above-stated principles gave birth to Republic Act 8749, otherwise known as the "Philippine Clean Air Act of 1999". Recognizing the people's right to breathe clean air and the right to utilize and enjoy all natural resources according to the principle of sustainable development, legislators then thought that this law would be an answer to serious social concerns due to pollution problems. Despite the passage of the law, however, compliance by those covered by it appears to be minimal. Emissions from motor vehicle still fail to meet the standard set by law while power plants blow deadly fumes from their machines. Hence, the air we breathe and the water we drink are still polluted. Various respiratory diseases likewise abound.

This bill thus seeks to minimize air pollution by introducing an amendment to Republic Act 8749 which would require all coal-operated power plants to use flue gas desulfurizer, a technology adopted in the new coal thermal power stations to improve fuel combustion and to treat flue gas from the combustion of LNG, heavy oil, coal, etc thus reducing the emission of sulfur oxides (Sox) and nitrogen oxides (NOX) – the principal components of acid rain and photochemical oxidants which have recently become problems of global concern. Although the installation of said equipment would be an added cost to these power plants and could be passed on to the end-users, a no-pass on provision is inserted to protect the public.

Considering the noble objective of this bill, its approval is earnestly requested.


DANILO E. SUAREZ
Representative
Third District, Quezon

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AN ACT
AMENDING ARTICLE THREE SECTION NINETEEN OF REPUBLIC ACT 8749 AND
FOR OTHER PURPOSES

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

Section 1. Section 19 of Republic Act No. 8749 is hereby amended by inserting the following to the last paragraph of said section as follows:

XXX XXX XXX

Existing industries, which are proven to exceed emission rates established by the Department, in consultation with stakeholders, after a thorough, credible and transparent measurement process shall be allowed a grace period of eighteen (18) months for the establishment of an environmental management system and the installation of an appropriate air pollution control device: Provided, That an extension of not more than twelve (12) months may be allowed by the Department on meritorious grounds.

COAL-OPERATED POWER PLANTS SHALL, WITHIN A PERIOD OF SIXTY (60) DAYS UPON RECEIPT OF NOTICE FROM THE DEPARTMENT, INSTALL FLUE GAS DESULFURIZER IN THEIR RESPECTIVE STATIONS. COSTS INCURRED BY THE POWER PLANTS IN THE INSTALLATION OF THE FLUE GAS DESULFURIZER SHALL NOT BE PASSED ON TO THE CONSUMERS.

Section 2. *Repealing Clause.* – All laws, decrees, executive orders, and rules and regulations, or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

Section 3. *Separability Clause.* – If, for any reason, any section or provision of this Act is subsequently declared null and void for being unconstitutional, the other sections or provisions not so declared shall remain in full force and effect.

Section 4. *Effectivity Clause.* - This Act shall take effect fifteen (15) days after its complete publication in at least two (2) national newspapers of general circulation.

Approved,