

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. **4370**

Introduced by Honorable CARMELO F. LAZATIN

EXPLANATORY NOTE

Eight (8) years after the Ecological Solid Waste Management Act of 2003 or RA 9003 took effect, there were visible gains and shortcomings upon its implementation. Some of these clear gains, but not limited to, is the recognition of many regarding the need to reduce, reuse and recycle our waste and the creation of the inertia regarding the closure of open and controlled dumpsites. However, while these gains are being further pushed by some, many LGUs are stilling lagging when it comes to compliance with RA 9003.

The shortcomings, the materials recovery facilities in many of our cities and municipalities are to yet to be constructed. Coupled with the continuous growth of waste generation, the closure of open and controlled dumpsites is a big headache to LGUs. The question where to put LGU's solid waste poses a big challenge in the absence of sanitary landfills. The lack of financial capability of most of our LGUs to cause the construction of sanitary landfill is one of reason for their delay.

Given, this limitation, this bill proposes that provincial LGUs and the National Government shall be collectively responsible in the construction of sanitary landfill in every province of the country. Further, in the absence of sanitary landfills, at present, this bill also seek to allow the construction of incinerators to prevent solid waste materials in ending to new and covert open dumpsites and in our waterways. The construction of incinerators intends to fill the gap while sanitary landfills are yet to be constructed in every province. It addresses the present garbage woes of LGUs in the light of the closing of open and controlled dumpsites.

The author of this bill believes that the passage of this legislative measure will considerably address the problem of garbage in the country.


CARMELO F. LAZATIN
1st District of Pampanga

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AN ACT CAUSING THE CONSTRUCTION OF A SANITARY LANDFILL IN EVERY PROVINCE OF THE COUNTRY, THE LIFTING OF THE BAN ON INCINERATORS, AMENDING RA 9003 AND RA 8749, AND APPROPRIATING NECESSARY FUNDS THEREOF.

Be 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 Sanitary Landfill and Incinerators Act.

Section 2. Objectives of the Act. It is the primary objective of this Act to safeguard the environment from the ill-effects of garbage with due consideration to the actual capacities of our local government units to implement an ecological solid waste management program.

Section 3. Establishment of sanitary landfill facility. There shall be at least one (1) sanitary landfill in every province of the country by 2020. The provincial local government unit shall be responsible in identifying and allotting appropriate site for the construction of sanitary landfill. The cost of the construction of the facility shall be equally and collectively shouldered by the LGU and the National Government.

The National Government, through the DENR, shall be responsible in developing the technical design of the facility in every province. The landfill prior to its construction should have an Environmental Compliance Certificate.

The facility shall be jointly operated and maintained by the provincial LGU and DENR. The provincial LGU is empowered to impose tipping fees to cover the cost of operating and maintaining the landfill. Host municipal/city LGU, where the facility is located, is entitled to receive incentives from the provincial LGU.

Section 4. Construction of incinerators. To address the growing volume of solid waste generated by the economy and households, and in the absence of sanitary landfills, the construction of incinerators is hereby allowed, provided that:

1. No incinerators shall be constructed without an Environmental Compliance Certificate;
2. Only municipal solid waste materials is allowed to be incinerated;
3. Incinerators should not emit smoke in the atmosphere.

The cost of construction of incinerators shall be the responsible of the provincial LGUs. The provincial LGUs may impose fees to component local government units and private groups, who will bring solid waste materials in the facility for incineration, to cover the cost of construction and maintenance. Host municipal/city LGU, where the incinerator is located, is entitled to receive incentives from the provincial LGU.

Section 5. Implementing Rules and Regulations. - The DENR shall promulgate the necessary implementing rules and regulations within ninety (90) days from the effectivity of this Act.

Section 6. Separability Clause. - If, for any reason, any part or provision of this Act is declared invalid, such declaration shall not effect the other provisions of this Act

Section 7. Repealing Clause. - All laws, decrees, executive orders, issuances, rules or regulations or parts thereof which are inconsistent with the provisions of this Act are hereby deemed repealed, amended or modified accordingly.

Section 8. Effectivity - This Act shall take effect fifteen (15) days after its publication in the ***Official Gazette*** or in two (2) national newspapers of general circulation.

Approved,