



Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila



Sixteenth Congress
First Regular Session

HOUSE BILL NO. 2714

Introduced by Honorable Evelina G. Escudero

EXPLANATORY NOTE

This bill seeks to provide for stiffer fines and penalties for the illegal disposal of water materials and violation of other prohibited acts, amending for the purpose Republic Act No. 9003, otherwise known as the "*Ecological Solid Waste Management Act of 2000*."

Section 48 of Republic Act No. 9003 specifically mentions prohibited acts which include among others: littering, throwing, dumping of waste matters in public places; undertaking activities or operating collecting or transporting equipment in violation of sanitation operation; the open burning of solid waste; causing or permitting the collection of non-segregated or unsorted wastes; squatting in open dumps and landfills; open dumping, burying of biodegradable or non-biodegradable materials in flood prone areas; establishment or operation of open dumps as enjoined in this Act, or closure of said dumps; manufacture, distribution or use of non-environmentally acceptable packaging materials; importation of consumer products packaged in non-environmentally acceptable materials; importation of toxic wastes misrepresented as "recyclable" or "with recyclable content;" site preparation, construction, expansion or operation of waste management facilities without an environmental compliance certificate; and not conforming with the land use plan of the LGU; and construction or operation of landfills or any waste disposal facility on any aquifer, groundwater reservoir, or watershed area and or any portions thereof.

In relation to Section 48, Section 49 of the Republic Act No. 9003 provides for the fines and penalties corresponding to the prohibited acts. However, despite the existing penalties and fines, tons of garbage still fill the roads and creeks

causing congestion which result to perennial flooding. Also, open burning of solid wastes still persists, squatting in open dumps and landfills remains, and the manufacture, distribution or use of non-environmentally acceptable packaging materials still proliferates, among other violations. Hence this bill.

Increasing the penalties and fines will give more teeth to Republic Act No. 9003. Hopefully, stiffer penalties and fines will serve as a deterrent to further commission of the prohibited acts thus avoiding wastage of resources which otherwise should have been allocated for health needs and other social services for the community.

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


EVELINA G. ESCUDERO



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HOUSE BILL NO. **2714**

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AN ACT
PROVIDING FOR STIFFER FINES AND PENALTIES FOR THE
ILLEGAL DISPOSAL OF WASTE MATERIALS AND VIOLATION OF
OTHER PROHIBITED ACTS, AMENDING FOR THE PURPOSE
REPUBLIC ACT NO. 9003, OTHERWISE KNOWN AS THE
“ECOLOGICAL SOLID WASTE MANAGEMENT ACT OF 2000”

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

SECTION 1. Section 49 of Republic Act No. 9003, is hereby amended to read as follows:

“SEC. 49. *Fines and Penalties.* – (a) Any person who violates Sec. 48 paragraph (1) shall, upon conviction, be punished with a fine of not less than [Three] **FIVE** hundred pesos [(P300.00)] **(P500.00)** but not more than One thousand **FIVE HUNDRED** pesos [(P1,000.00)] **(P1,500.00)** or render community service for not less than [one] **FIFTEEN** [(1)]**(15)** dayS to not more than [fifteen]

THIRTY [(15)] **(30)** days to LGU where such prohibited acts are committed, or both;

(b) Any person who violates Sec. 48, pars. (2) and (3), shall, upon conviction, be punished with a fine of not less than [Three] **FIVE** hundred pesos [(P300.00)] **(P500.00)** but not more than One thousand **FIVE HUNDRED** pesos [(P1,000.00)] **(P1,500.00)** or imprisonment of not less than [one] **FIFTEEN** [(1)] **(15)** dayS to not more than [fifteen] **THIRTY** [(15)] **(30)** days, or both;

(c) Any person who violates Sec. 48, pars. (4), (5), (6) and (7) shall, upon conviction, be punished with a fine of not less than [One] **TWO** thousand pesos [(P1,000.00)] **(P2,000.00)** but not more than [Three] **FIVE** thousand pesos [(P3,000.00)] **(P5,000.00)** or imprisonment of not less than [fifteen] **THIRTY** [(15)] **(30)** days but not more than [six] **TWELVE** [(6)] **(12)** months, or both;

(d) Any person who violates Sec. 48, pars (8), (9), (10) and (11) for the first time shall, upon conviction, pay a fine of [Five hundred thousand] **ONE MILLION** pesos [(P500,000.00)] **(P1,000,000.00)** plus an amount not less than [five] **TEN** percent [(5%)] **(10%)** but not more than [ten] **TWENTY** percent [(10%)] **(20%)** of his net annual income during the previous year.

The additional penalty of imprisonment of a minimum period of [one] **TWO** [(1)] **(2)** yearS, but not to exceed [three] **FIVE** [(3)] **(5)** years at the discretion of the court, shall be imposed for second or subsequent violations of Sec. 48, paragraphs (9) and (10).

(e) Any person who violates Sec. 48, pars. (12) and (13), shall, upon conviction, be punished with a fine not less than [Ten] **TWENTY** thousand pesos [(P10,000.00)] **(P20,000.00)** but not more than [Two] **FIVE** hundred thousand pesos [(P200,000.00)] **(P500,000.00)** or imprisonment of not less than [thirty] **SIX** [(30)] **(6)** [days] **MONTHS** but not more than [three] **FIVE** [(3)] **(5)** years, or both;

(f) Any person who violates Sec. 48, pars. (14), (15) and (16) shall, upon conviction, be punished with a fine not less than [One] **FIVE** hundred thousand pesos [(P100,000.00)] **(P500,000.00)** but not more than [One] **FIVE** million pesos [(P1,000,000.00)] **(P5,000,000.00)**, or imprisonment not less than [one] **THREE** [(1)] **(3)** yearS but not more than [six] **TEN** [(6)] **(10)** years, or both.

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 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.

The fines herein prescribed shall be increased by at least ten (10%) percent every [three] **TWO** [(3)] **(2)** years to compensate for inflation and to maintain the deterrent function of such fines.”

SEC. 2. 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,