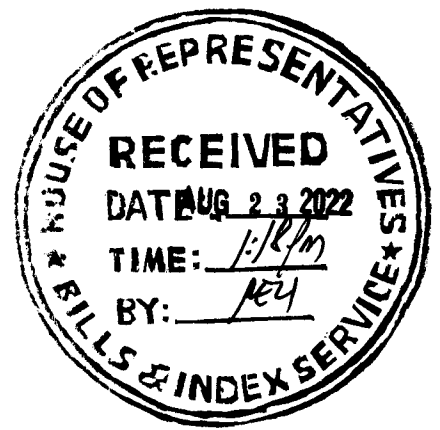


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

NINETEENTH (19th) CONGRESS
First Regular Session

HOUSE BILL NO. 3959



Introduced by HONORABLE LORETO “AMBEN” S. AMANTE
Third (3rd) Legislative District, Province of Laguna

AN ACT
MANDATING THE ESTABLISHMENT OF COMPOSTING FACILITY
IN EVERY BARANGAY OR CLUSTER OF BARANGAYS
AS A PART OF COMPREHENSIVE SOLID WASTE MANAGEMENT,
AMENDING FOR SUCH PURPOSE ARTICLE 5, CHAPTER III
OF REPUBLIC ACT NO. 9003, OR OTHERWISE KNOWN AS THE
“ECOLOGICAL SOLID WASTE MANAGEMENT ACT OF 2000”,
AND FOR SUCH OTHER PURPOSES

Explanatory Note

Enshrined in our Philippine Constitution is the fundamental State Policy 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”. In order to achieve a *balanced and healthful ecology*, the Government must sternly and thoughtfully address the country’s severe waste predicament patently brought about by the rapid rising number of population, as well as the expeditious advancement of diversified commercial and industrial undertakings.

While the notable passage of Republic Act No. 9003, or otherwise known as the “Ecological Solid Waste Management Act of 2000”, is primarily aimed to actualize the Constitutional Mandate of engendering a *balanced and healthful ecology*, such as the immediate prohibition on open dumpsite operations and the gradual phasing out of controlled dumpsites, we have yet to see a sustainable and workable countrywide Solid Waste Management Framework that may assimilate and encompass local governments’ solid waste management plans in their respective territorial jurisdictions.

Republic Act No. 9003 explicitly provides that as an alternative to open or controlled dumpsites, Sanitary Landfills shall be developed and operated as final disposal sites (Section 17[h]). Regrettably, at almost 1,700 sanitary landfills needed to be established by all the cities and municipalities across the country since the aforesaid law took effect not less than 20 years ago, only 108 thereof existed as of this writing. Crucial difficulties faced by our local governments pertained, among others, to the immense project costing necessary for the construction and subsequent operation of Engineered Sanitary Landfills whereby the construction itself is estimated to reach around 50 Million Pesos per Hectare. Aside thereto, project feasibility comes into play amidst the respective topographical locations of our local governments.

Foregoing premises considered, a practicable, sustainable and functional solution—through the establishment of Composting Facilities—must be timely mandated, the establishment and operation of which would conclusively produce no adverse effect whatsoever, but shall certainly gain the following significant benefits for the common good—

1. With the various standard composting technologies currently available, the project cost may range for as low as PhP 200,000.00 per facility, which cost may even be wholly remunerated from the barangay fund itself;
2. Composting technologies have adaptable designs suitable to the proponent's locational topography and waste generation volume;
3. Establishment of Composting Facility shall be in furtherance of the essential mandate under Section 20, Article 1, Chapter III, Republic Act No. 9003 that requires the Local Government Units to divert at least 25% of all solid waste from waste disposal facilities through resource recovery activities, such as composting diversion;
4. Operation of Composting Facility shall be in paramount support of Republic Act No. 10068, or otherwise known as the "Organic Agriculture Act of 2010" which established the National Organic Agricultural Program in the country in order to advocate the utilization of organic fertilizers as a method to minimize groundwater pollution, restore soil fertility, reduce the vulnerability of marginal farmers to the high cost of chemical fertilizers, and promote organic agriculture adoption;
5. Recovered resources may be resorted to as an income generation activity which may be commercially distributed as organic fertilizers valuable to agriculture and horticulture undertakings;

Therefore, the approval of this proposed measure is hereby most solemnly sought.



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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 “*Establishment of Barangay Composting Facility Act.*”

Section 2. ***Policy Objectives.***— The establishment of Composting Facility in every Barangay or cluster of Barangays has the following objectives:

- (a) To provide a sustainable solution forming part of an ecological solid waste management;
- (b) To bring about a waste management process adaptable to topographical location of any proponent, waste generation volume and cost-efficiency in contrast to sanitary landfills and controlled dumpsites, among others;
- (c) To ensure an environmentally-sound method that encourages resource recovery and utilization of recovered resources;
- (d) To set forth a waste minimization measure aimed to diminish solid waste quantity entering final disposal system;
- (e) To comply with the waste diversion requirement of the law through resource recovery activities;
- (f) To utilize recovered resources as an income generation undertaking that may be commercially distributed as organic fertilizers or soil enhancers, both of which are valuable to agriculture and horticulture;

Section 3. ***Definition of Terms.***— For purposes of this Act, the following terms shall mean:

- (a) *Composting*- refers to the controlled decomposition of organic matter or other compostable materials by micro-organisms into a humus-like product;
- (b) *Composting Facility*- refers to a waste diversion site where the organic component of municipal solid wastes is decomposed under controlled conditions;
- (c) *Composting Technologies*- refer to acceptable composting methods most beneficial to the proponent in terms of establishment and administration cost and its operating efficiency while giving consideration upon its locational topography, waste generation volume and general waste characterization of the area;
- (d) *Provincial/City/Municipal Solid Waste Management Board*- refers to the multi-level Boards pertaining to the Local Government Units ladder created under Republic Act No. 9003 and tasked to develop corresponding Solid Waste Management Plans within their respective areas of jurisdiction, in coordination with the National Solid Waste Management Commission;

Section 4. A new Article, with commensurate Sections and Sub-sections, are hereby inserted in Republic Act No. 9003, or otherwise known as the “Ecological Solid Waste Management Act of 2000” as it is hereby amended to read as follows—

ARTICLE 5 COMPOSTING PROGRAM

SECTION 34. *ESTABLISHMENT OF COMPOSTING FACILITY.*— AS AN INTEGRAL PART OF SOLID WASTE DIVERSION MEASURES AND FOR THE PURPOSE OF COMPLIANCE OF THE LOCAL GOVERNMENT UNITS (LGUs) WITH DIVERTING AT LEAST 25% OF SOLID WASTE FROM WASTE DISPOSAL FACILITIES THROUGH RESOURCE RECOVERY ACTIVITIES UNDER SECTION 20 OF REPUBLIC ACT NO. 9003, THERE SHALL BE ESTABLISHED A COMPOSTING FACILITY IN EVERY BARANGAY OR CLUSTER OF BARANGAYS IN ACCORDANCE WITH THIS ACT.

SECTION 35. *GUIDELINES FOR THE ESTABLISHMENT OF BARANGAY COMPOSTING FACILITY.*— FOR THE PURPOSE OF THIS ACT, THE BARANGAY COMPOSTING FACILITY SHOULD COMPLY WITH THE FOLLOWING CONSIDERATIONS:

- (A) **AS FAR AS PRACTICABLE, THE COMPOSTING FACILITY SHOULD BE ADJACENT OR PRACTICALLY CONNECTED TO THE EXISTING BARANGAY MATERIALS RECOVERY FACILITY (MRF);**

- (B) THE FACILITY SHALL BE ESTABLISHED ON ANY SUITABLE OPEN SPACE OWNED BY THE BARANGAY OR OWNED BY THE CITY OR MUNICIPALITY WHERE THE PROPONENT BARANGAY IS SITUATED, THE ESTABLISHMENT OF WHICH SHALL BE PURSUANT TO THE CORRESPONDING BARANGAY OR CITY/MUNICIPAL RESOLUTION, AS THE CASE MAY BE, BEING ADOPTED FOR SUCH PURPOSE;**
- (C) THE COMPOSTING FACILITY DIMENSION AND CAPACITY MUST BE AT LEAST PROPORTIONATE TO THE COMPOSTABLE WASTE GENERATION VOLUME OF THE BARANGAY. FOR THIS PURPOSE, THE CLUSTERING OF BARANGAYS IS HIGHLY ENCOURAGED TO ACCOMMODATE TARGETED VOLUME OF COMPOSTABLE MATERIALS;**
- (D) THE ENTIRE FACILITY, INCLUDING ITS EQUIPMENT AND OPERATION, MUST SATISFY THE STANDARD SERVICE EFFICIENCY AND SAFETY PRESCRIBED BY THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES (DENR), THROUGH THE ENVIRONMENTAL MANAGEMENT BUREAU (EMB);**
- (E) SUFFICIENT MANPOWER APPROPRIATE TO THE COMPOSTING FACILITY DESIGN OR TECHNOLOGY SHALL BE DEPLOYED, AFTER TRAINING COMPLETION TO BE CONDUCTED FOR FREE BY THE DENR-EMB;**
- (F) FACILITY COMPLIANCE WITH SUCH OTHER REASONABLE GUIDELINES AS MAY BE SUBSEQUENTLY IMPOSED BY THE DENR-EMB OR THE IRR OF THIS ACT.**

SECTION 36. *COMPOSTING FACILITY TECHNOLOGY AND DESIGN BY THE DENR-EMB.*— WITHIN THREE (3) MONTHS FROM THE EFFECTIVITY OF THIS ACT, THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES, THROUGH THE ENVIRONMENTAL MANAGEMENT BUREAU (DENR-EMB), SHALL PROVIDE SEVERAL STANDARD COMPOSTING FACILITY TECHNOLOGIES AND DESIGNS WHICH MAY BE ESTABLISHED BY THE BARANGAY, TAKING INTO CONSIDERATION THE TOPOGRAPHICAL LOCATIONS OF THE PROPONENTS, ENVIRONMENTALLY-SOUND FRAMEWORKS AND COST-EFFECTIVE STRUCTURES.

Section 5. Article 5, Chapter III of Republic Act No. 9003 is hereby renumbered and entitled to read as follows—

**“ARTICLE 6
MARKETS OF COMPOSTS”**

Section 6. Articles 6 and 7, Chapter III of Republic Act No. 9003 are hereby renumbered to read as Articles 7 and 8, respectively.

Section 7. Sections 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48 and 49 of Republic Act No. 9003 are hereby renumbered to read as Sections 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51 and 52.

Section 8. Section 50, Chapter VI of Republic Act No. 9003 is hereby renumbered and amended to read as follows—

“**SECTION 53. *Administrative Sanctions.***— Local government officials and officials of government agencies concerned who fail to comply with and enforce rules and regulations promulgated relative to **REPUBLIC ACT NO. 9003, AS AMENDED BY THIS ACT**, shall be charged administratively in accordance with R.A. 7160 and other existing laws, rules and regulations.”

Section 9. Sections 51, 52, 53, 54, 55, 56 and 57 of Republic Act No. 9003 are hereby renumbered to read as Sections 54, 55, 56, 57, 58, 59 and 60.

Section 10. Section 58, Chapter VII of Republic Act No. 9003 is hereby renumbered and amended to read as follows—

“**SECTION 61. *Appropriations.***— **THE DEPARTMENT OF BUDGET AND MANAGEMENT IS HEREBY DIRECTED TO SUBMIT THE PROPOSED BUDGET TO CARRY OUT THE MANDATES OF REPUBLIC ACT NO. 9003, AS AMENDED BY THIS ACT, FOR INCLUSION IN THE GENERAL APPROPRIATIONS ACT. ”**

Section 11. Section 59, Chapter VII of Republic Act No. 9003 is hereby renumbered and amended to read as follows—

“**SECTION 62. *Implementing Rules and Regulations (IRR).***— **THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES, THROUGH ITS ENVIRONMENTAL MANAGEMENT BUREAU, IN COORDINATION WITH THE NATIONAL SOLID WASTE MANAGEMENT COMMISSION AND THE NATIONAL ECOLOGY CENTER, SHALL PROMULGATE THE IMPLEMENTING RULES AND REGULATIONS OF THIS ACT WITHIN NINETY (90) DAYS AFTER ITS ENACTMENT;** Provided, That rules and regulations issued by other government agencies and instrumentalities for the prevention and/or abatement of the solid waste management problem not inconsistent with this Act, **AS AMENDED BY THIS ACT**, shall supplement the rules and regulations issued by the Department, pursuant to the provisions of this Act, **AS AMENDED BY THIS ACT.**

The draft of the IRR shall be published and be the subject of public consultation with affected sectors. It shall be submitted to the Committee on Environment Ecology of the Senate and House of Representatives, respectively, for review before approval by the Secretary.”

Section 12. Section 60 and 61, Chapter VII of Republic Act No. 9003 are hereby renumbered to read as Section 63 and 64.

Section 13. Section 62, Chapter VII of Republic Act No. 9003 is hereby renumbered and amended to read as follows—

“**SECTION 65. *Transitory Provision.***— Pending the establishment of the framework under Sec. 15 hereof, plans under Sec. 16 and promulgation of the IRR under **SECTION 62** of this Act, existing laws, regulations programs and projects on solid waste management shall be enforced; *Provided*, That for specific undertaking, the same may be revised in the interim in accordance with the intentions of this Act.”

Section 14. Section 63, 64 and 65, Chapter VII of Republic Act No. 9003 are hereby renumbered to read as Sections 66, 67 and 68.

Section 15. *Separability Clause.*— If any provision of this Act is declared unconstitutional, invalid or void, the rest of the provisions not affected thereby shall remain in full force and effect.

Section 16. *Repealing Clause.*— All laws, decrees, executive orders, rules or regulations, and other issuances, or parts thereof, inconsistent with any provision of this Act are hereby repealed, amended or modified accordingly.

Section 17. *Effectivity Clause.*— 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.