

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

TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. 404



Introduced by Representative **JESUS R. MARQUEZ**

EXPLANATORY NOTE

This bill seeks to amend and/or repeal pertinent provisions of Republic Act 8749 or the *Philippine Clean Air Act of 1999* and Republic Act 9003 or the *Ecological Solid Waste Management Act of 2000* with respect to the ban on incineration as a waste management option.

As one of the priority measures identified by the Legislative Executive Development Advisory Council (LEDAC), this measure has already been approved on Third and Final Reading by the House of Representatives in the 17th, 18th, and 19th Congresses, principally authored and sponsored by the former Congressman, Engr. Carlito S. Marquez. In the 19th Congress, it garnered support from 239 members, reflecting a strong consensus on the urgency of this legislative reform.

The Philippines prides itself to be one of the most beautiful countries in the world, one that is rich in biodiversity, natural resources and cultural heritage. Unfortunately, this richness is increasingly threatened by a growing environmental crisis brought about by human activity. The scale and urgency of the problem continue to compel the government to take decisive action. A major and recurring concern is the country's ineffective waste management system, which has contributed to widespread environmental degradation such as flooding, soil erosion, landslides, and health hazards arising from overfilled landfills and uncontrolled dumpsites.

As mandated by Republic Act No. 9003, barangays are responsible for the collection of segregated waste, which they deliver to Materials Recovery Facilities (MRFs) for the segregation of recyclables and composting of biodegradable materials. Meanwhile, local government units (LGUs) are tasked with the collection and disposal of residual waste.

Although these mandates are clearly outlined in law, implementation at the local level remains severely inadequate, particularly in densely populated areas such as Metro Manila. With limited human capital, technical capacity, and funding, barangays struggle to meet the demands of efficient waste collection. Moreover, the number of functional MRFs remains insufficient, making full compliance with the law difficult across the 17 LGUs in the National Capital Region.

In terms of waste generation, data from the DENR-Environmental Management Bureau (DENR-EMB) shows that Metro Manila alone has produced between 6,018.67 to 10,437 tons of waste daily since 2020¹, with an average population density of 21,765 persons per square

¹ Environmental Management Bureau (2024). Regional State Of Brown Environment Report. Retrieved from <https://ncr.emb.gov.ph/rsobcr/>

kilometer². On a national scale, the country's waste generation has steadily increased—from 9.07 million metric tons in 2000 to 16.63 million metric tons in 2020³. This waste is generated from various sources, including households, commercial establishments, institutions, and industrial activities.

Plastics also are a problem in the country. The Philippines generates about 1.7 million metric tons of post-consumer plastic waste every year. According to the World Bank, roughly 33 percent of this ends up in landfills or dumpsites, around 35 percent is dumped in open areas—often burned illegally—and a significant portion leak into rivers, seas, and oceans. This not only exacerbates marine pollution but also threatens public health and food security.⁴ These compounding impacts highlight the urgent need to rethink and modernize the country's approach to waste treatment and disposal.

Given the scale and persistence of the garbage problem, waste management must now be elevated as a national priority. While the Philippine government recognizes that various technological and policy solutions are available, it also acknowledges that longstanding institutional, financial, and logistical constraints have hindered full implementation.

In response, we push for the adoption of Waste-to-Energy (WTE) solutions as a practical and science-based strategy to significantly reduce municipal solid waste. Rather than viewing waste solely as a liability, WTE technologies allow us to transform it into a valuable resource. The generated wastes shall serve as feedstock for the generation of energy and other beneficial byproducts.

However, a major legal obstacle remains. Section 20 of the Clean Air Act of 1999 explicitly prohibits incineration. Similarly, RA 9003 promotes a systematic and ecological approach to solid waste management that excludes incineration. Nonetheless, **the Supreme Court, in MMDA vs. JANCOM Environmental Corporation (G.R. No. 147465, January 30, 2002)**, clarified that the Clean Air Act does not impose an absolute ban on incineration. What it prohibits are burning processes that release poisonous and toxic fumes into the environment.

By the same token, several local government units have passed resolutions calling for the review and repeal of these outdated provisions. These LGUs recognize the need for a sustainable and long-term solution that includes the establishment of in-city, state-of-the-art Waste-to-Energy (WTE) facilities—technologies that are already widely adopted in countries such as the United States, Japan, South Korea, and across Europe.

Contrary to persistent myths, modern WTE technologies are equipped with stringent pollution controls and meet global safety and environmental standards. Scientific evidence does not support the claim that such facilities release over 200 toxic substances, including dioxins and furans.⁵ When properly designed and regulated, WTE systems can drastically reduce waste

² Philippine Statistics Authority (2021). Highlights of the National Capital Region (NCR) Population - 2020 Census of Population and Housing (2020 CPH) Retrieved from <https://rpsoncr.psa.gov.ph/content/RSSO/highlights-national-capital-region-ncr-population-2020-census-population-and-housing-2020#:~:text=NCR%20is%20the%20most%20densely,19%2C137%20persons%20per%20square%20kilometer.>

³ Commission on Audit Performance Audit Report 2023-01. (2024). Solid Waste Management Program. Retrieved from <https://www.coa.gov.ph/reports/performance-audit-reports/2023-2/solid-waste-management-program/>

⁴ World Bank (2024). Guidance on the Development of a Roadmap for Managing Plastic Waste and Reduction of Non-Recyclable Single-use Plastics in the Philippines. Retrieved from https://openknowledge.worldbank.org/entities/publication/781ad8db-fd96-4ef0-b84e-42cc46065f26?utm_source=chatgpt.com

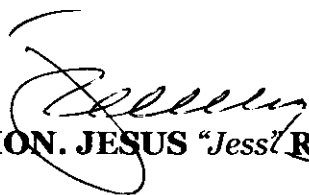
⁵ Traven, L. (2023). Busting the myth: waste-to-energy plants and public health. *National Library of Medicine*. doi: 10.2478/aiht-

volume, extend landfill life, generate clean electricity, and help offset the country's dependence on fossil fuels.

Waste Treatment Technology or WTE is an innovation that should be embraced and could form a critical part of an integrated solid waste management strategy. When all other waste reduction and diversion measures have been exhausted, WTE offers a viable, scientifically sound, and environmentally responsible solution.

By allowing the responsible use of WTE technologies, we can address long-standing waste management failures, improve public health, attract green investments, and pave the way for a cleaner, more resilient future.

In view of the foregoing, the immediate passage of this bill is earnestly sought.


HON. JESUS "Jess" R. MARQUEZ

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AN ACT
REGULATING THE USE OF TREATMENT TECHNOLOGY FOR MUNICIPAL
AND HAZARDOUS WASTES, REPEALING FOR THE PURPOSE SECTION 20
OF REPUBLIC ACT NO. 8749, ENTITLED "THE PHILIPPINE CLEAN AIR
ACT OF 1999"

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

1 **SECTION 1. Title.** – This Act shall be known and referred to as the “*Waste*
2 *Treatment Technology Act*”.

3 **Sec. 2. Regulation of Waste Treatment Technology.** – Thermal and other
4 treatment technologies for the disposal of municipal and hazardous wastes, or for the
5 processing of any waste material for fuel, whether for commercial use or not, shall be
6 designed and operated to meet the standards established pursuant to this Act and its
7 implementing rules and regulations. These technologies shall be fitted with equipment
8 that will continuously monitor, record, and make publicly available the reported data on
9 their emissions or air pollutant concentrations. Proposed facilities that generate energy
10 or waste-to-energy facilities shall be given priority over other treatment technologies.
11 Entities utilizing such technologies shall incorporate in their facilities and operations the
12 appropriate material recovery program. Thermal treatment units shall treat wastes at a
13 temperature of not less than eight hundred fifty degrees centigrade (850°C).

14 **Sec. 3. Lead Agencies.** – The Department of Environment and Natural Resources
15 (DENR) shall be primarily responsible for the implementation and enforcement of this
16 Act, while the Department of Energy is primarily responsible over relevant regulations
17 pertaining to waste-to-energy facilities. Both agencies shall promote the use of state-of-
18 the-art, environmentally-sound and safe technologies for the handling, treatment,
19 thermal or non-thermal destruction, utilization, and disposal of residual wastes.

20 Pursuant to Sec. 15 of R.A No. 8749, otherwise known as the “*Clean Air Act of*
21 *1999*”, the Pollution Research and Development Program shall likewise include the
22 continuous monitoring, evaluation, and development of more appropriate air quality
23 guideline values and standards for the treatment of municipal and hazardous wastes, or
24 for the processing of any waste material for fuel.

25 **Sec. 4. Role of Local Government Units (LGUs) in Setting Up Treatment**

1 *Facilities.-* The LGUs are hereby mandated to promote, encourage and implement in
2 their respective jurisdictions a comprehensive solid waste management plan that
3 includes waste reduction, segregation, recycling, composting, and recovery. The
4 establishment of treatment facilities shall be facilitated by LGUs within a region,
5 province, or strategically clustered LGUs, in consonance with their respective ten-year
6 solid waste management plans: *Provided*, That these are consistent with the national
7 solid waste management framework established pursuant to R.A. No. 9003, otherwise
8 known as the “Ecological Solid Waste Management Act of 2000”.

9 **Sec. 5. *Role of the National Solid Waste Management Commission (NSWMC).*** –
10 The solid waste management plans and supplemental disposal plans of all LGUs,
11 including those which may carry out treatment projects, shall be submitted to the
12 NSWMC which shall render a decision within ten (10) working days from submission
13 thereof. The NSWMC shall put in writing the reasons for either approving or denying
14 such plans.

15 **Sec. 6. *Role of the Department of Science and Technology (DOST).*** – The DOST
16 shall undertake the necessary verification of the technology that will be used for the
17 treatment or waste processing projects. The verification shall be completed and reported
18 in writing within ten (10) working days from receipt of the application, or twenty (20)
19 working days if the application is for a new technology.

20 **Sec. 7. *Role of the Department of Energy (DOE).*** – The DOE, in addition to its
21 powers and functions under R.A. No. 7638, otherwise known as “*The Department of*
22 *Energy Act of 1992,*” shall, insofar as the establishment and operation of facilities that
23 recover energy:

24 (a) Accredited and classify facilities that recover energy based on the energy output,
25 and determine the standards, criteria and requirements applicable therefor pursuant to
26 R.A. No. 9136, otherwise known as the “*Electric Power Industry Reform Act (EPIRA) of*
27 *2001,*” R.A. No. 9367, otherwise known as the “*Biofuels Act of 2006,*” and R.A. No. 9513,
28 otherwise known as the “*Renewable Energy Act of 2008,*” whichever is applicable:
29 *Provided*, That the energy generated from the facilities shall be regulated by the Energy
30 Regulatory Commission in as far as the rates and pricing thereof;

31 (b) Include a waste-to-energy implementation strategy in the Philippines Energy
32 Plan, which takes into consideration the National Solid Waste Management Framework;

33 (c) Make available to the public, especially to potential investors for these facilities,
34 local and national information on the following:

35 (i) current and potential uses of facilities in relation to solid waste
36 management;

37 (ii) inventory of existing facilities; and,

38 (iii) other relevant information.

39 **Sec. 8. *Responsibility of Owner and Operator.*** – Responsibility for compliance
40 with the standards promulgated for the establishment and operation of waste treatment
41 facilities shall rest with the owner and/or operator thereof. If, by virtue of a contract, the

operator is primarily and solely responsible for compliance with the standards, the same shall not relieve the owner of the requirement to exercise due diligence to ensure the operator's compliance. In the event that the ownership of the facility is transferred to another person, the previous owner shall notify the new owner of the standards and the conditions set for the operation of said facility, and the laws and regulations that the new owner or operator has to comply with.

These standards for operation of waste treatment or processing facility may be made more stringent by not more than five percent (5%): *Provided*, That the more stringent standards shall be effected ten (10) years following the commencement of the operation of the facility that is established after the effectivity of this Act.

Sec. 9. Grant of Incentives. – The following fiscal and non-fiscal incentives shall be granted to registered investors and hosts of waste treatment programs:

(a) *Fiscal and Non-Fiscal Incentives.* – Upon certification by the DOE, waste-to-energy projects, as defined in this Act, may be granted the incentives provided under Title XIII of Republic Act No. 8424, otherwise known as the “*National Internal Revenue Code of 1997*”, as amended, and any other applicable laws: *Provided*, That the inclusion of waste-to-energy projects in the strategic investment priorities plan shall be reviewed and may be extended by the BOI.

(b) *Financial Assistance Program* – Government financial institutions such as the Landbank of the Philippines, Development Bank of the Philippines, Government Service Insurance System, and such other government institutions providing financial service shall, in accordance with and to the extent allowed by the enabling provisions of their respective charters or applicable laws, accord high priority in the extension of financial services to individuals, enterprises, or private entities engaged in putting up treatment facilities: *Provided*, That these institutions shall allocate five percent (5%) of their loan portfolio to waste treatment projects.

(c) *Extension of Grants and Incentives to LGUs* – Provinces, cities, and municipalities, the treatment facilities plans of which have been duly approved by the NSWMC for adopting innovative waste treatment programs, may be entitled to receive grants for the purpose of developing their technical capacities toward actively participating in the waste treatment projects. The LGUs that host common treatment facilities shall be entitled to incentives as may be determined by the NSWMC.

Sec. 10. Permits and Licenses. – The procedure for the issuance of permits and licenses for all kinds of waste-to-energy facilities shall be governed by R.A No. 11234, otherwise known as the “*Energy Virtual One-Stop Shop Act*”, and R.A. No.11032, otherwise known as the “*Ease of Doing Business and Efficient Government Service Delivery Act of 2018*”.

Sec. 11. Fines and Penalties. – Violations of the provisions of this Act, or the standards or rules and regulations promulgated for treatment facilities shall be fined or penalized under the provisions of P.D. 1586, otherwise known as the Environmental Impact Statement System; R.A. No. 6969, otherwise known as the “*Toxic Substances and*

1 *Hazardous and Nuclear Waste Control Act of 1990*"; R.A. No. 8749; R.A. No. 9003; and
2 R.A. No. 9275, otherwise known as the "*Philippine Clean Water Act of 2004*". For waste-
3 to-energy facilities, the penal schemes established under the Philippine Grid Code and
4 Philippine Distribution Code pursuant to R.A. No. 9136, shall likewise apply.

5 **Sec. 12. Congressional Oversight Committee.** – Upon the effectivity of this Act, a
6 Joint Congressional Oversight Committee shall be constituted to monitor its
7 implementation by the concerned agencies and LGUs. The Oversight Committee shall be
8 composed of fourteen (14) members, with the Chairpersons of the Committee on Ecology
9 and Committee on Energy of the House of Representatives and the Chairpersons of the
10 Committee on Environment and Natural Resources and Committee on Energy of the
11 Senate as co-chairpersons and an additional four members from each House, to be
12 designated by the Speaker of the House of Representatives and the Senate President,
13 respectively.

14 **Sec. 13. Implementing Rules and Regulations.** – The DENR and DOE shall
15 promulgate the rules and regulations for the effective implementation of this Act, within
16 three (3) months after its approval.

17 **Sec. 14. Report to Congress.** – The DENR and the DOE shall submit to the
18 President of the Philippines and to Congress an annual report not later than March 30
19 of every year following the approval of this Act, which shall include an evaluation of the
20 implementation of this Act, and the appropriate recommendations thereon, and for any
21 improvements or modifications to the policies enunciated herein.

22 **Sec. 15. Separability Clause.** – If any part or section of this Act is declared
23 unconstitutional, such declaration shall not affect the other parts or sections of this Act.

24 **Sec. 16. Repealing Clause.** – Section 20 of R.A. No. 8749 otherwise known as the
25 "*Philippine Clean Air Act of 1999*" is hereby repealed. The pertinent provision of R.A. No.
26 9003 otherwise known as the "*Ecological Solid Waste Management Act of 2000*", as
27 amended, and other laws, presidential decrees executive orders, rules and regulations
28 inconsistent with any provisions of this Act shall be deemed repealed or modified
29 accordingly.

30 **Sec. 17. Effectivity.** – This Act shall take effect fifteen (15) days after its
31 publication in the Official Gazette or in a newspaper of general circulation.

32 *Approved,*