

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

**TWENTIETH CONGRESS**  
*First Regular Session*

**HOUSE BILL NO. 2220**



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Introduced by **Representative Ryan S. Recto**

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### **EXPLANATORY NOTE**

This proposed measure seeks to establish a national energy policy and regulatory framework for Waste-To-Energy (WTE) facilities. The bill aims to integrate WTE solutions into the Philippine' solid waste management and energy security strategies to address not just the country's need for sustainable energy resources and mitigate the persistent solid waste crisis, but also to significantly alleviate the decades-old challenge of urban and rural flooding.

The Philippines is the only country in the Asia Pacific with a ban on incineration as mandated by *The Philippine Clean Air Act of 1999*. It prohibits the burning of municipal, biomedical and hazardous waste in an environmental effort to avoid the emission of poisonous and toxic fumes. However, the United Nations Environmental Programme (UNEP) lifted the ban on thermal WTE after guidelines governing WTE was approved in 2016. The Department of Environment and Natural Resources (DENR) also stated in 2019 that there were plans to pursue WTE technologies in order to mitigate the burgeoning solid waste problem in the country.

In fact, in a Commission on Audit (COA) report from 2023, it was revealed that as of 2021, there are 245 operational sanitary landfills, but these are only servicing 478 or 29.25% of the country's 1,634 local government units (LGUs). This is barely enough to cover the 12,091 tons of waste produced per day in the country. It is also getting costly for the government to haul or collect trash. In 2022, the National Capital Region (NCR) through the Metro Manila Development Authority (MMDA), was reported to have spent P3.336 billion in garbage collection services. Existing legislation such as *the Ecological Solid Waste Management Act of 2000* was enacted in an effort to protect public health and the environment through proper waste management practices. However, even with these diligent efforts, the abundance of waste remains to be crucial issue.


This is where the WTE technologies can offer a more viable and complementary solution through its capacity to convert non-recyclable waste into usable heat, electricity and fuel. In this way and manner, we can significantly reduce

the country's dependence on landfills as well as mitigate environmental pollution. The Department of Energy (DOE) defines WTE as "an energy system with a process of converting WTE feedstock with various technologies, usually the conversion of non-recyclable waste materials into usable heat, electricity, or fuel through a variety of processes." Notably, Waste-to-Energy projects have also demonstrated a significant impact on flood mitigation, having reduced flooding by 40%, as per the Presidential Communications Office (PCO).

This piece of legislation shall establish a framework for WTE facilities and further classify WTE as a renewable energy resource. It shall also mandate WTE facilities to function as both a solid waste management treatment and energy production facility, with strict adherence to existing environmental and health standards, including the *Philippine Clean Air Act* and *Clean Water Act*. The measure shall now also allow all waste treatment technologies, including incineration, provided only if they comply with the strict emission standards and employ techniques that allow for pollution control.

It is hoped that through this measure we can provide a clearer and more consistent regulatory framework that has been absent in our energy and environmental sector, and thereby unlock investments in WTE. It is high time that we think of ways in how we can provide the Filipino people with sustainable ways that address our waste management crisis, fortify energy security and contribute to a more healthy and climate resilient environment.

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



**Ryan S. Recto**  
**Representative**  
6<sup>th</sup> District, Batangas

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**AN ACT**  
**ESTABLISHING A NATIONAL ENERGY POLICY AND REGULATORY FRAMEWORK**  
**FOR FACILITIES UTILIZING WASTE-TO-ENERGY TECHNOLOGIES**

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

1 SECTION 1. *Short Title.* – This Act shall be known as the “*Waste-to-Energy Act*”.

2  
3 SEC. 2. *Declaration of Policy.* – It is hereby declared the policy of the State to:

4  
5 a) Ensure protection of the public's health and the environment through a  
6 systematic and comprehensive ecological solid waste management  
7 program;

8  
9 b) Strengthen its commitment to solid waste avoidance and volume reduction  
10 by supplementing the latter with other solid waste management treatment  
11 technologies to include waste-to-energy;

12  
13 c) Encourage the development and utilization of environmentally sustainable  
14 new and alternative technologies in resource recovery, resource  
15 conservation, processing, treatment, and disposal of solid waste, such as  
16 waste-to-energy facilities;

17  
18 d) Support the utilization of waste-to-energy facilities in order to attain  
19 sustainable energy and energy security;

20  
21 e) Strengthen the integration of solid waste management, waste-to-energy  
22 promotion, and environmental protection towards healthful cities amidst  
23 economic growth and development; and

24  
25 f) Promote collaboration, cooperation, and participation of various sectors in  
26 coordinated approaches to solid waste management and waste treatment  
27 technology towards national development and jobs creation.

1  
2 SEC. 3. *Scope and Application.* – This Act shall apply to all local government  
3 units (LGU) and waste-to-energy (WTE) facilities.  
4

5 SEC. 4. *Definition of Terms.* – For purposes of this Act, the following terms shall  
6 be defined as stated below:  
7

- 8 a) *Agricultural waste* refers to waste generated from planting or harvesting  
9 of crops, trimming or pruning of plants, and wastes or run-off materials  
10 from farms or fields;  
11
- 12 b) *Biomedical waste or hazardous healthcare waste* refers to waste from  
13 healthcare facilities that may pose a variety of environmental and health  
14 risks. It can be further classified into sharps waste, infectious waste,  
15 pathological and anatomical waste, pharmaceutical waste, genotoxic  
16 waste, chemical waste, radioactive waste, and pressurized containers as  
17 defined by the Department of Health (DOH);  
18
- 19 c) *City or Municipal Solid Waste Management Board* refers to the entity  
20 established by each city or municipality pursuant to Section 12 of Republic  
21 Act No. 9003, otherwise known as the Ecological Solid Waste  
22 Management Act of 2000, as amended;  
23
- 24 d) *Chemical and industrial waste* refers to discarded solid, liquid, or gaseous  
25 chemicals from laboratories, industrial establishments, or other sources  
26 such as diagnostic and experimental work, environmental work, cleaning,  
27 housekeeping, and disinfecting procedures;  
28
- 29 e) *Clustering* is a strategy of pooling available resources of local government  
30 units (LGUs) for the establishment of a common solid waste management  
31 treatment facility or service;  
32
- 33 f) *Collection* refers to the act of removing solid waste from the source or  
34 from a communal storage point;  
35
- 36 g) *Disposal* refers to the deposit, or placing of any solid waste into an  
37 approved disposal site pursuant to Republic Act No. 9003, as amended;  
38
- 39 h) *Disposal site* refers to a facility where solid waste is finally deposited and  
40 placed pursuant to Republic Act No. 9003, as amended;  
41
- 42 i) *Emission* means any air contaminant, pollutant, gas stream, or unwanted  
43 sound from a known source which is passed into the atmosphere;  
44
- 45 j) *Hazardous waste* refers to substances that are without any safe  
46 commercial, industrial, agricultural, or economic usage. It also includes  
47 those which are shipped, transported, or brought from the country of  
48 origin for dumping or disposal into or in transit through any part of the  
49 Philippines. It shall also refer to by-products, side-product, process

1 residues, spent reaction media, contaminated plant or equipment, or other  
2 substances from manufacturing operations and as a customer discard of  
3 manufactured products, or a combination of solid waste which, because  
4 of its quantity, concentration, physical, chemical, or infectious  
5 characteristics, may:

- 6
- 7 i. Cause or significantly contribute to an increase in mortality or an  
8 increase in a serious irreversible or incapacitating reversible  
9 illness, or
- 10
- 11 ii. Pose a substantial present or potential hazard to human health  
12 or the environment when improperly treated, stored, transported,  
13 or disposed of, or otherwise managed;
- 14
- 15 k) *Incineration in a WTE facility* refers to a waste treatment and resource  
16 recovery technology that involves the controlled combustion of waste  
17 materials for the purpose of recovering energy from it, and whose  
18 emissions and effluents are compliant with the guidelines pursuant to this  
19 Act and other relevant laws, rules, and regulations;
- 20
- 21 l) *Local Government Solid Waste Management Plan* refers to the ten (10) year  
22 solid waste management plan, consistent with the National Solid Waste  
23 Management Framework, prepared by the LGUs pursuant to Section 16 of  
24 Republic Act No. 9003, as amended;
- 25
- 26 m) *Municipal waste* refers to waste produced from activities within LGUs  
27 which include a combination of domestic, commercial, institutional, and  
28 industrial wastes and street litters pursuant to Republic Act No. 9003, as  
29 amended;
- 30
- 31 n) *National Solid Waste Management Commission (NSWMC)* refers to the  
32 body created and primarily tasked with overseeing the implementation of  
33 solid waste management plans and prescribing policies to achieve the  
34 objectives of Republic Act No. 9003, as amended;
- 35
- 36 o) *National Solid Waste Management Framework* refers to a document  
37 prepared by the NSWMC based on the National Solid Waste Management  
38 Status Report pursuant to Section 15 of Republic Act No. 9003, as  
39 amended;
- 40
- 41 p) *National Solid Waste Management Status Report* refers to a document  
42 prepared by the Department of Environment and Natural Resources  
43 (DENR), which is used as a basis in formulating the National Solid Waste  
44 Management Framework pursuant to Section 14 of Republic Act No.  
45 9003, as amended;
- 46
- 47 q) *Poisonous and toxic fumes* means any emissions and fumes which are  
48 beyond internationally accepted standards, including but not limited to the  
49 World Health Organization (WHO) air quality guidelines, as provided in

1 Republic Act No. 8749, otherwise known as the Philippine Clean Air Act of  
2 1999;

3 r) *Processing fee* refers to the amount paid to avail of the services of a  
4 waste-to-energy facility as defined herein;

5  
6 s) *Provincial Solid Waste Management Board* refers to the entity established  
7 by each province pursuant to Section 11 of Republic Act No. 9003, as  
8 amended;

9  
10 t) *Residue* refers to substances that remain after a process in a waste-to-  
11 energy facility such as preparation, separation, purification, evaporation,  
12 combustion, distillation, or filtration;

13  
14 u) *Resource recovery* refers to the collection, extraction, or recovery of  
15 recyclable materials from the waste stream for the purpose of recycling,  
16 generating energy, or producing a product suitable for beneficial use;

17  
18 v) *Sanitary landfill* refers to a waste disposal site designed, constructed,  
19 operated, and maintained in a manner that exerts engineering control over  
20 significant potential environment impacts arising from the development  
21 and operation of the facility pursuant to Republic Act No. 9003, as  
22 amended;

23  
24 w) *Segregation* refers to a solid waste management practice of separating  
25 different materials found in solid waste in order to promote recycling and  
26 re- use of resources, facilitate waste treatment processes, and to reduce  
27 the volume of waste for collection and disposal pursuant to Republic Act  
28 No. 9003, as amended;

29  
30 x) *Solid waste* refers to all discarded household waste, commercial waste,  
31 nonhazardous institutional and industrial waste, street sweepings,  
32 construction debris, agricultural waste, and other non-hazardous or non-  
33 toxic solid waste. It shall not include:

34  
35 i. Waste identified or listed as hazardous waste of a solid, liquid,  
36 contained gaseous, or semisolid form, which may cause or  
37 contribute to an increase in mortality or in serious or  
38 incapacitating reversible illness, or acute or chronic effect on the  
39 health of persons and other organisms,

40  
41 ii. Infectious waste from hospitals such as equipment, instruments,  
42 utensils, and fomites of a disposable nature from patients who  
43 are suspected to have or have been diagnosed as having  
44 communicable diseases and must therefore be isolated as  
45 required by public health agencies, laboratory wastes as  
46 pathological specimens, and disposable fomites that may harbor  
47 or transmit pathogenic organisms, and surgical operating room  
48 pathologic materials from outpatient areas and emergency  
49 rooms, and

- 1  
2                   iii. Waste resulting from mining activities, including contaminated  
3                   soil and debris;
- 4 y) *Solid waste management treatment facility* refers to any resource recovery  
5 system or component thereof; any system, program or facility for resource  
6 conservation; or any facility for the collection, source separation, storage  
7 transportation, transfer, processing, treatment, or disposal of solid waste;  
8
- 9 z) *Solid waste management* refers to the discipline associated with the  
10 control of generation, storage, collection, transfer and transport,  
11 processing, and disposal of solid wastes in a manner that is in accord with  
12 the best principal of public health, economics, engineering, conservation,  
13 aesthetics, and other environmental considerations, and that is also  
14 responsive to the public attitudes;  
15
- 16 aa) *Waste* refers to any material misplaced, unused or rejected by persons  
17 worthless or unwanted. It includes, among others, agricultural,  
18 biomedical, chemical and industrial, hazardous, municipal, and solid  
19 wastes;  
20
- 21 bb) *Waste-to-Energy (WTE)* refers to an energy system with a process of  
22 converting WTE feedstock with various technologies, usually the  
23 conversion of non-recyclable waste materials into usable heat, electricity,  
24 or fuel through a variety of processes;  
25
- 26 cc) *WTE facility* refers to the facility where the WTE operations are conducted;  
27
- 28 dd) *WTE feedstock* refers to the waste materials with calorific-value that are  
29 taken in for WTE processing in a WTE facility;  
30
- 31 ee) *Waste generation* refers to the act or process of producing solid waste;  
32 and  
33
- 34 ff) *WTE strategy* refers to a plan of action with measurable targets for the  
35 utilization of WTE facilities for solid waste management treatment and  
36 energy production.  
37

38           SEC. 5. *Waste-to-Energy and Waste-to-Energy Facility.* – WTE shall be classified  
39 as another kind of renewable energy resource. A WTE facility shall:

- 40 a) Be both a solid waste management treatment facility and an energy  
41 production facility;  
42
- 43 b) Comply with establishment and operation guidelines for WTE facilities  
44 pursuant to Sections 6(c), 8(c), and 9(b) of this Act;  
45
- 46 c) Ensure the proper management of its residue which should conform to  
47 relevant laws, rules, and regulations and should include making  
48 arrangements with a sanitary landfill, or developing its own, prior to its

1 operations, as a disposal site for any residue generated from its operations  
2 in accordance with NSWMC, DENR, and DOH guidelines issued pursuant  
3 to this Act; and

- 4 d) Comply with relevant laws, rules, and regulations including but not limited  
5 to Presidential Decree No. 1586 Establishing an Environmental Impact  
6 Statement System, Republic Act No. 6969 otherwise known as the Toxic  
7 Substances and Hazardous and Nuclear Waste Act, Republic Act No. 7638  
8 otherwise known as the Department of Energy Act of 1992 as amended,  
9 Republic Act No. 8749, Republic Act No. 9003, as amended. Republic Act  
10 No. 9136 otherwise known as the Electric Power Industry Reform Act of  
11 2001, Republic Act No. 9275 otherwise known as the Philippine Clean  
12 Water Act of 2004, Republic Act No. 9367 otherwise known as the Biofuels  
13 Act of 2006, Republic Act No. 9513 otherwise known as the Renewable  
14 Energy Act of 2008, Republic Act No. 11223 otherwise known as the  
15 Universal Health Care Act, and WHO Guidelines on Air Quality.

16 All waste treatment technologies in a WTE facility shall be allowed including  
17 incineration: *Provided*, That these technologies shall not emit toxic and poisonous  
18 fumes into the environment, operate in compliance with best available techniques  
19 and/or best existing practice for preventing and controlling pollution from waste  
20 treatment, and shall comply with all the laws mentioned hereof and other relevant  
21 laws, rules, and regulations.

22 In addition to the provisions of this Act, the segregation, collection, transfer,  
23 storage, and transport of solid waste as WTE feedstock for a WTE facility, and the  
24 waste treatment process of the WTE facility shall be governed by Republic Act  
25 No. 9003, as amended, and Republic Act No. 8749, while the energy production aspect  
26 of the WTE facility shall be governed by Republic Act No. 7638, Republic Act No. 9136,  
27 Republic Act No. 9367, Republic Act No. 9513, and other relevant laws, rules, and  
28 regulations.

29 **SEC. 6. *The National Solid Waste Management Commission.*** – The Secretary of  
30 the Department of Energy shall serve in ex officio capacity as member of the National  
31 Solid Waste Management Commission (NSWMC), which shall now have fifteen (15)  
32 members comprising of nine (9) members from the government sector and six (6)  
33 members from the private sector. In addition to its powers and functions under  
34 Republic Act No. 9003, as amended, the NSWMC shall:

- 35 a) Include a WTE strategy in the National Solid Waste Management  
36 Framework;  
37  
38 b) Act as the lead agency in ensuring streamlined standards, criteria, and  
39 guidelines for WTE facilities to avoid inconsistent and conflicting  
40 issuances;  
41  
42 c) Regularly determine, review, and publish the following:  
43  
44 i. Standards, criteria, and guidelines for:  
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1. Determination of the feasibility of integrating a WTE strategy in the Local Government Solid Waste Management Plan, taking into account the volume of WTE feedstock that may be generated from municipal waste in an LGU or clusters thereof;
  2. Characterization and composition of solid waste utilized as WTE feedstock for WTE facilities to ensure emissions are compliant with Republic Act No. 8749 and other relevant laws, rules, and regulations,
  3. Transport, storage, and pre-processing of WTE feedstock,
  4. Pre-operation, siting, design, operation, and maintenance of WTE facilities,
  5. Quality control and operational control of WTE facilities,
  6. Management of residue from WTE facilities, if any;
  7. Pollution abatement, emissions monitoring, environmental monitoring, and public health and safety monitoring in relation to WTE facilities,
  8. Decommissioning, closure, and abandonment of WTE facilities, and
  9. Other guidelines pursuant to relevant laws, rules, and regulations, and
- ii. Minimum standards, criteria, and guidelines, in determining a fair, equitable, and reasonable processing fee for WTE facilities taking into consideration, among others, the cost of construction, operation, and maintenance of the facility as well as the potential revenue from the sale of energy output, in consultation with relevant government agencies, experts, and stakeholders;
- d) Consolidate and make available to the public, through its website and any online means, the following:
- i. Current and potential uses of WTE facilities in relation to solid waste management;
  - ii. Inventory of existing WTE facilities;
  - iii. General feedstock characterization;
  - iv. Status and projection of feedstock generation;

- v. Specific locations of potential feedstock and WTE facilities; and
- vi. Other relevant Information

- e) Provide policy guidelines to assist LGUs in the development of WTE facilities to include the determination of the potential of WTE facilities in their respective localities;
- f) Ensure LGUs Incorporate a WTE strategy, if feasible, in their respective Local Government Solid Waste Management Plans;
- g) Identify and recommend potential clustering of LGUs for a common WTE facility in accordance with the standards to be set forth in the Implementing Rules and Regulations;
- h) Coordinate with the Provincial, City, and Municipal Solid Waste Management Boards especially for clustered LGUs employing a common WTE facility; and
- i) Perform all other acts that are analogous to the foregoing, which are necessary and incidental to accomplish the policy objectives of this Act.

SEC. 7. *Role of the Department of Energy.* – In addition to its powers and functions under Republic Act No. 7638, the Department of Energy (DOE) shall:

- a) Issue permits to WTE facilities based on the energy output, and determine the standards, criteria, and requirements applicable for each kind of WTE facility pursuant to Republic Act No. 7638, Republic Act No. 9136, Republic Act No. 9367, Republic Act No. 9513, and other relevant laws, rules, and regulations;
- b) Include a WTE strategy in the Philippine Energy Plan, taking into consideration the National Solid Waste Management Framework;
- c) Regularly submit to the NSWMC and make available to the public, especially to potential WTE investors, national and local information on the following:
  - i. Current and potential uses of WTE facilities in relation to solid waste management,
  - ii. Inventory of existing WTE facilities, and
  - iii. Other relevant information; and
- d) Perform all other acts that are analogous to the foregoing, which are necessary and incidental to accomplish the policy objectives of this Act.

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2       SEC. 8. *Role of the Department of Environment and Natural Resources.* – In  
3 addition to its powers and functions under Republic Act No. 9003, as amended, and  
4 Republic Act No. 8749, the DENR shall:

- 5       a) Include a WTE strategy. If feasible, in the National Solid Waste  
6       Management Status Report;
- 7       b) Provide technical and other capacity building assistance and support to  
8       LGUs based on the policy guidelines created by the NSWMC pursuant to  
9       Section 6(e) of this Act;
- 10  
11       c) Implement and revise, when necessary, together with the DOH, existing  
12       guidelines issued pursuant to Republic Act No. 9003, as amended, on  
13       waste transport, pre-operation, waste acceptance, waste storage, pre-  
14       processing of waste, quality control, operational control, pollution  
15       abatement, management of residue, emissions monitoring, environmental  
16       monitoring, public health and safety monitoring, decommissioning,  
17       closure, and abandonment, among others, taking into account the  
18       NSWMC's standards, criteria, and guidelines under Section 6(c) of this Act  
19       and other relevant laws, rules, and regulations, and in consultation with  
20       relevant stakeholders;
- 21  
22       d) Ensure compliance with Section 8(c) of this Act to Include continuous  
23       monitoring and testing of by-products of WTE facilities;
- 24  
25       e) Make available to the public, through its website and any online means, the  
26       emissions, effluents and other by-products of WTE facilities;
- 27  
28       f) Investigate, motu proprio or upon complaint, reports of non-compliance of  
29       WTE facilities with the provisions of this Act and other relevant laws, rules,  
30       and regulations;
- 31  
32       g) Exercise visitorial and enforcement powers to ensure strict compliance of  
33       WTE facilities with this Act, Republic Act No. 9003, as amended. Republic  
34       Act No. 8749, and other relevant laws, rules, and regulations;
- 35  
36       h) Recommend to the NSWMC policies to address challenges of WTE  
37       facilities from a solid waste management perspective; and
- 38  
39       i) Perform all other acts that are analogous to the foregoing, which are  
40       necessary and incidental to accomplish the policy objectives of this Act.

41  
42       SEC. 9. *Role of the Department of Health.* – In addition to its existing powers  
43 and functions, the DOH shall:

- 44       a) Ensure all WTE facilities undergo a Health Impact Assessment, pursuant  
45       to Republic Act No. 11223 and Presidential Decree No. 1586, as part of the  
46       Environmental Impact Assessment System, to be jointly reviewed and  
47       approved by the DOH and DENR prior to construction and operation;
- 48

- 1 b) Implement and revise, when necessary, together with DENR, existing  
2 guidelines issued pursuant to Republic Act No. 9003, as amended, on  
3 waste transport, pre - operation, waste acceptance, waste storage, pre-  
4 processing of waste, quality control, operational control, pollution  
5 abatement, management of residue, emissions monitoring, environmental  
6 monitoring, public health and safety monitoring, decommissioning,  
7 closure, and abandonment, among others, taking into account the  
8 NSWMCs standards, criteria, and guidelines under Section 6(c) of this Act  
9 and other relevant laws, rules, and regulations, and in consultation with  
10 relevant stakeholders;  
11  
12 c) Regularly conduct an analysis of the effects of WTE facilities and disposal  
13 sites on public health and submit the same to the NSWMC for  
14 consolidation, and DENR for proper action, if applicable;  
15  
16 d) Undertake research on the public health impact of WTE facilities together  
17 with government agencies, the academe, and private stakeholders;  
18  
19 e) Make available to the public, through its website and any online means,  
20 studies and analyses of the effects of WTE facilities and disposal sites on  
21 public health; and  
22  
23 f) Perform all other acts that are analogous to the foregoing, which are  
24 necessary and incidental to accomplish the policy objectives of this Act.  
25

26 SEC. 10. *Role of Local Government Units.* – In addition to their powers, functions,  
27 and responsibilities under Republic Act No. 7160 otherwise known as the Local  
28 Government Code of 1991, and Republic Act No. 9003, as amended, LGUs shall:

- 29 a) In the case of a city or municipality and if applicable, be responsible for the  
30 hauling of WTE feedstock to a WTE facility;  
31  
32 b) In the case of a province and if applicable, provide necessary logistical and  
33 operational support for the processing of WTE feedstock in a WTE facility;  
34  
35 c) Include a WTE strategy, if feasible, in their respective Local Government  
36 Solid Waste Management Plans;  
37  
38 d) Comply with the standards, criteria, and guidelines on WTE feedstock and  
39 WTE facilities pursuant to Sections 6(c), 8(c), and 9(b) of this Act, if  
40 applicable; and  
41  
42 e) Be authorized to enter into and shall comply with all obligations under the  
43 following:  
44  
45 i. Clustering arrangements with other LGUs for a common WTE  
46 facility, on their own or upon recommendation of the Provincial  
47 Solid Waste Management Board or the NSWMC: *Provided, That*  
48 the province shall have the power to cluster component cities

1 and municipalities based on the NSWMC approved provincial  
2 and local solid waste management plans and the  
3 recommendation of the NSWMC pursuant to Section 6(g) of  
4 this Act,

- 5
- 6 ii. Long term contracts with WTE facilities, on their own or with  
7 clustered LGUs, and
- 8
- 9 iii. Public private partnerships pursuant to Republic Act No. 6957  
10 otherwise known as An Act Authorizing the Financing,  
11 Construction, Operation and Maintenance of Infrastructure  
12 Projects by the Private Sector, and For Other Purposes as  
13 amended, cooperative undertakings under Section 33 of  
14 Republic Act No. 7160, and other contractual arrangements  
15 provided for under existing laws, rules, regulations as well as  
16 the LGUs' respective charters for the establishment of WTE  
17 facilities: *Provided*, That WTE projects submitted to the  
18 Investment Coordinating Committee pursuant to Republic Act  
19 No. 6957, as amended, shall be acted upon within thirty (30)  
20 working days from submission: *Provided further*, That failure to  
21 act within the prescribed time frame shall deem such projects  
22 approved.
- 23

24 The national government shall provide support to all LGUs towards the  
25 effective implementation and the achievement of the policy objectives of this Act;  
26 *Provided*, That the provision of support by the national government shall be compliant  
27 with the provisions all relevant laws, rules and regulations.

28 SEC. 11. *Role of the Provincial Solid Waste Management Board.* – In addition to  
29 its powers and functions under Republic Act No. 9003, as amended, the Provincial  
30 Solid Waste Management Board shall:

- 31
- 32 a) Integrate a WTE strategy, if feasible, in the Provincial Solid Waste  
33 Management Plan taking into consideration the Local Government Solid  
34 Waste Management Plans of all its component cities and municipalities;
- 35
- 36 b) Recommend potential locations for WTE facilities in the Provincial Solid  
37 Waste Management Plan;
- 38
- 39 c) Identify and recommend, or direct pursuant to Section 10 of this Act,  
40 clustering of component cities and municipalities for a common WTE  
41 facility, based on the Local Government Solid Waste Management Plans  
42 of all its component cities and municipalities;
- 43
- 44 d) Provide the necessary logistical and operational support to component  
45 cities and municipalities who have the potential to be clustered, have  
46 decided to be clustered, or have been directed to be clustered pursuant to  
47 Section 10 of this Act, for a common WTE facility;
- 48

- 1 e) Coordinate the efforts and oversee the implementation of the clustering of  
2 component cities and municipalities for a common WTE facility; and  
3  
4 f) Coordinate with other Provincial, City, and Municipal Solid Waste  
5 Management Boards In identifying possible Inter- and intra- province  
6 clustering for a common WTE facility.  
7

8 SEC. 12. *Role of the City or Municipal Solid Waste Management Board.* – In  
9 addition to its powers and functions under Republic Act No. 9003, as amended, the  
10 City or Municipal Solid Waste Management Board shall integrate a WTE strategy, if  
11 feasible, in its Local Government Solid Waste Management Plan, and shall submit a  
12 copy thereof to the Provincial Solid Waste Management Board.  
13

14 SEC. 13. *Role of the Public-Private Partnership Center.* – The Public-Private  
15 Partnership Center shall provide support to all LGUs towards the effective  
16 implementation and the achievement of the policy objectives of this Act in accordance  
17 with its mandate under existing laws, issuances, rules, and regulations.  
18

19 SEC. 14. *Permits and Licenses.* – The procedure for the issuance of permits and  
20 licenses for all kinds of WTE facilities shall be governed by Republic Act No. 11234,  
21 otherwise known as the Energy Virtual One-Stop Shop Act.  
22

23 SEC. 15. *Prohibited Acts.* – The following acts are prohibited:  
24

25 a) For LGUs:  
26

- 27 i. Failure to Include, if feasible, and implement, if applicable, the WTE  
28 strategy in their respective Local Government Solid Waste  
29 Management Plans, and  
30  
31 ii. Failure to perform the responsibilities in Section 10 on the Role of  
32 Local Government Units, Section 11 on the Role of the Provincial  
33 Solid Waste Management Board, and Section 12 on the Role of the  
34 City or Municipal Solid Waste Management Board;  
35

36 b) For government agencies, failure to perform the powers and functions  
37 indicated under Section 6 on the National Solid Waste Management  
38 Commission, Section on the Role of the Department of Energy, Section 8  
39 on the Role of the Department of Environment and Natural Resources, and  
40 Section 9 on the Role of the Department of Health; and  
41

42 c) For WTE facilities:  
43

- 44 i. Failure to comply with the responsibilities in Section 5 on Waste-to-  
45 Energy and Waste-to-Energy Facility, and  
46  
47 ii. Use of imported municipal solid waste as WTE feedstock for a WTE  
48 facility.  
49

1 SEC. 16. *Penalties.* – Without prejudice to civil and criminal liability, the  
2 following persons found to have violated the Sections mentioned below shall be  
3 meted with the following penalties:

4  
5 a) Officials of LGUs who violate Section 15(a):

6  
7 i. First offense: six (6) months suspension,

8  
9 ii. Second offense: Dismissal from service, perpetual disqualification  
10 from holding public office, and forfeiture of retirement benefits;

11 b) Officials of government agencies who violate Section 15(b) shall suffer  
12 dismissal from service, perpetual disqualification from holding public  
13 office, forfeiture of retirement benefits, and imprisonment for one (1) to six  
14 (6) years with a fine of not less than Five hundred thousand pesos  
15 (P500,000.00) but not more than Two million pesos (P2,000,000.00);

16  
17 c) Any person who violates Section 14(c)(i):

18  
19 i. First offense: Fine of One million pesos (P1,000,000.00) and an  
20 amount not less than ten percent (10%) but not more than fifteen  
21 percent (15%) of the net annual income during the previous year;

22  
23 ii. Second offense: The same penalties as with the first offense  
24 including an additional penalty of imprisonment of a minimum  
25 period of one (1) year but not to exceed three (3) years;

26  
27 iii. Third offense: The same penalties as with the second offense and  
28 permanent revocation of the license of the WTE facility;

29  
30 d) Any person who violates Section 14(c)(ii) shall pay a fine of One million  
31 pesos (P1,000,000.00) and an amount not less than ten percent (10%) but  
32 not more than fifteen percent (15%) of the net annual income during the  
33 previous year, and shall suffer imprisonment of a minimum period of one  
34 (1) year but not to exceed three (3) years and permanent revocation of the  
35 license of the WTE facility. The same person shall repatriate the imported  
36 municipal solid waste to its country of origin.

37  
38 For Section 14, if the violation is committed by a corporation, partnership, or  
39 other juridical entity duly recognized in accordance with the law, the chief executive  
40 officer, president, general manager, managing partner, or such other officer-in-charge  
41 shall be liable for the commission of the offense penalized under this Act.

42  
43 SEC. 17. *Incentives.* – WTE facilities, depending on their output, shall be entitled  
44 avail of the incentives under Republic Act No. 9367 otherwise known as the Biofuels  
45 Act of 2006 and Republic Act No. 9513 otherwise known as the Renewable Energy Act  
46 of 2008.

47  
48 SEC. 18. *Establishment of Dedicated Offices.* – The DOE, DENR, DOH and  
49 NSWMC shall establish dedicated offices for the effective implementation of this Act.

1 The organizational structure and staffing complement shall be determined by the  
2 Secretaries of DENR, DOE, and DOH, In consultation with the Department of Budget  
3 and Management, and in accordance with existing civil service rules and regulations.  
4 The budgetary requirements necessary for the establishment of the dedicated offices  
5 shall be taken from the current appropriations of DOE, DENR, DOH and NSWMC.  
6 Thereafter, the funding for the dedicated offices shall be included in the annual  
7 General Appropriations Act.  
8

9 SEC. 19. *Appropriations.* – The amount of Fifteen million pesos  
10 (P15,000,000.00) for DOE, Three hundred million pesos (P300,000,000.00) for DENR,  
11 Forty-five million pesos (P45,000,000.00) for DOH, and Twenty seven million  
12 (P27,000,000.00) for NSWMC for the initial implementation of this Act shall be  
13 charged against the current year's appropriations of the DOE, DENR, DOH, and NSWMC  
14 respectively. Thereafter, such amounts necessary for the sustainable implementation  
15 of this Act shall be included In the Annual General Appropriations Act.  
16

17 SEC. 20. *Congressional Oversight* – The Joint Congressional Energy  
18 Commission (JCEC), created under Republic Act No. 9136 and renamed under  
19 Republic Act No. 11285, shall exercise oversight powers over the implementation of  
20 this Act. The Chairpersons of the Committee on Environment and Natural Resources  
21 of the Senate and the House of Representatives shall be automatic members of the  
22 JCEC.  
23

24 SEC. 21. *Implementing Rules and Regulations.* – The DOE together with the  
25 DENR in consultation with DOH, NSWMC, Department of Interior and Local  
26 Government, LGUs, and public and private stakeholders, shall issue the implementing  
27 rules and regulations of this Act within ninety (90) calendar days upon its effectivity.  
28

29 SEC. 22. *Separability Clause.* – If any portion or provision of this Act is declared  
30 unconstitutional, the remainder of this Act or any provisions not affected thereby shall  
31 remain in force and effect.  
32

33 SEC. 23. *Repealing Clause.* – Any law, presidential decree or issuance, executive  
34 order, letter of Instruction, rule or regulation inconsistent with the provisions of this  
35 Act Is hereby repealed or amended accordingly.  
36

37 SEC. 24. *Effectivity Clause.* – This Act shall take effect fifteen (15) days  
38 following its complete publication in the Official Gazette or a newspaper of general  
39 circulation.  
40

41 *Approved,*