

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. 3039



Introduced by Representative Paolo Henry M. Marcoleta

EXPLANATORY NOTE

Solid waste generation in the Philippines has been steadily increasing over the years. This is despite the enactment of the Ecological Solid Waste Management Act of 2000 (Republic Act no. 9003) and our government's efforts to achieve the law's goal of reducing the same.¹

In 2020, reports show the generation of at least 16.63 million metric tons of solid waste, with daily average amounts reaching 61,000 metric tons of solid waste. 24% of said daily average is said to be plastic wastes.²

This level and rate of waste generation is placing our existing landfills at the risk of exceeding capacities. To address this waste management problem effectively and immediately, the country needs a paradigm and policy enhancement, supported by a national commitment both by the government and its people, with adherence to the highest standard form of discipline possible.

Incineration, a method involving burning waste in specially designed furnaces at temperatures exceeding 850°C, is known to efficiently convert waste into thermal energy. It reduces landfill dependency while recovering usable energy for consumption.³

¹ COA, Solid Waste Management Program, April 2023, available at <https://www.coa.gov.ph/reports/performance-audit-reports/2023-2/solid-waste-management-program/#> (last accessed on July 07, 2025).

² Dennis Subbotnitskiy, NUTEC Plastics: The Philippines Forges Ahead with Radiation Technology for Plastic Recycling, available at <https://www.iaea.org/newscenter/news/nutec-plastics-the-philippines-forges-ahead-with-radiation-technology-for-plastic-recycling> (last accessed on July 07, 2025).

³ Aishu S, Incineration of Municipal Solid Waste: Exploring Processes, Benefits, and Future Trends, May 24, 2025, available at <https://prezi.com/p/9dvvej1u4zos/incineration-of-municipal-solid-waste/> (last accessed on July 07, 2025).

Despite the serious environmental concerns about incineration, advances in emission control designs, along with strict standards and monitoring systems have address the said concerns and reduce the pollution in the atmosphere. In fact, both Singapore and Sweden, as well as other countries, have successfully resorted to incineration in addressing their waste management problems. Singapore's Tuas Incineration Plant, with a capacity of 3,200 tons/day, has not only generated 80 MW of electricity but has also integrated advanced fuel gas cleaning and ash recycling systems, representing a holistic approach to waste management and energy recovery. While for Sweden, more than 50% of its municipal solid waste goes through incineration. The Okhla Waste-to-Energy (WTE) Plant, in Delhi, India, incinerates approximately 1,500 tons of municipal solid waste per day, generating around 16 MW of electricity.⁴

The use by these countries of incineration prove that it is imbued with more benefits and solutions than problems. The incineration process involves four vital stages: drying, pyrolysis, combustion, and post-combustion. Each stage plays a critical role in ensuring that waste is transformed efficiently with minimal emissions.

The post-combustion stage is the most essential stage for meeting emission regulations and protecting air quality. Modern incineration plants utilize emission control systems, like electrostatic precipitators and scrubbers to remove particulates, dioxins, and sulfur oxides, ensuring compliance with current environmental standards. Recent developments in resource recovery from WTE residues allow recycling of metals and, in the case of sewage sludge, even phosphorus by thermal recycling. Combined with carbon capture and storage technology, WTE stands for a quantifiable contribution to greenhouse gas reduction. This is indispensable to reach the goals of circular economy, namely recycling of energy and materials, supplying safe final sinks for persistent organic substances and minimizing the need for sinks for hazardous inorganic substances.⁵

Our administration's ban on incineration was premised on the need to reduce the release of greenhouse gases like carbon dioxide (CO₂), methane, sulfur dioxide (SO₂) and nitrous oxide (NO₂) – in our effort to lessen our contributions to global warming and climate change.

⁴ Aishu S, Incineration of Municipal Solid Waste: Exploring Processes, Benefits, and Future Trends, May 24, 2025, available at <https://prezi.com/p/9dvvej1u4zos/incineration-of-municipal-solid-waste/> (last accessed on July 07, 2025).

⁵ Paul H. Brunner, Leo S. Morf, Waste to Energy, Indispensable Cornerstone for Circular Economy: a Mini-Review, Volume 43, Issue 1, WASTE MANAGEMENT & RESEARCH: THE JOURNAL FOR A SUSTAINABLE CIRCULAR ECONOMY, 26-38 (2024), available at <https://pmc.ncbi.nlm.nih.gov/articles/PMC11690026/> (last accessed on July 07, 2025).

However, both landfill and the combustion of untreated mixed waste will release carbon into the atmosphere, in different amounts. Landfill produces roughly equal amounts of carbon dioxide and methane, whereas energy from waste only produces carbon dioxide. As methane is around 25 times more damaging to the atmosphere, it is considered that WTE has a less detrimental impact on the environment overall.⁶

The Philippine Clean Air Act of 1999 (Republic Act No. 8749) dismisses the option to safely and neatly dispose of municipal solid wastes by incineration, disregarding the option to generate electricity while targeting overflow of waste. With the latest technology and updates in the process of incineration, it can now be argued that it is the more feasible solution to the looming problem of waste management while providing an additional solution to our energy crisis.

The Supreme Court even pronounced in the case of Metro Manila Development Authority v. JANCOM Environmental Corporation⁷ that the Philippine Clean Air Act of 1999 does not absolutely prohibit incinerators as a mode of waste disposal “rather only those burning processes which emit poisonous toxic fumes are banned.”

This measure seeks to repeal RA 8749 and lift the blanket prohibition on the use of incinerators in the disposal of solid wastes in the country. The proposed measure also aims to promote the use of recent advances in WTE technology, providing for the safe disposal of wastes without the harmful emissions to the atmosphere. Finally, the bill sustains the primacy of using non-burn technologies or Zero Waste paths in waste disposal, such as recycling and waste segregation, as mandated by RA 9003.

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

A handwritten signature in black ink, appearing to read 'P. Marcoleta', with a large, loopy initial 'P'.

PAOLO HENRY M. MARCOLETA
Representative, SAGIP Partylist

⁶ University of Birmingham, The Future of Waste-to-Energy - is it as Good as We are Led to Believe? , April 01, 2021, available at <https://hub.birmingham.ac.uk/resources/article/llm-future-of-waste-to-energy/> (last accessed on July 07, 2025).

⁷ G.R. No. 147465, January 30, 2002.

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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, OTHERWISE
KNOWN AS PHILIPPINE CLEAN AIR ACT OF 1999

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*
2 *Treatment Technology Act.*”

3
4 **SEC. 2. Incineration.** - Section 20 of Republic Act No. 8749 (RA 8749)
5 or the Philippine Clean Air Act of 1999 is hereby repealed and shall read as
6 follows:

7 “Sec. 20. ~~[Ban on Incineration. – Incineration, hereby defined as the~~
8 ~~burning of municipal, bio-medical, and hazardous waste, which process~~
9 ~~emits poisonous and toxic fumes is hereby prohibited, *Provided however,*~~
10 ~~That the prohibition shall not apply to traditional small-scale method of~~
11 ~~community/neighborhood sanitation “siga”, traditional, agricultural,~~
12 ~~cultural, health, and food preparation and crematoria; Provided, further,~~
13 ~~That existing incinerators dealing with a bio-medical wastes shall be~~
14 ~~phased out within three (3) years after the effectivity of this Act, Provided,~~
15 ~~finally, that in the interim, such units shall be limited to the burning of~~
16 ~~pathological and infectious wastes, and subject to close monitoring by the~~
17 ~~Department.~~

18
19 ~~Local government units are hereby mandated to promote, encourage and~~
20 ~~implement in their respective jurisdiction a comprehensive ecological~~

1 ~~waste management that includes waste segregation, recycling and~~
2 ~~composting.]~~
3

4 **INCINERATION SHALL BE ALLOWED FOR THE TREATMENT**
5 **OF WASTE FOR THE PURPOSE OF ENERGY CONVERSION.**
6 **ADVANCED AIR EMISSION CONTROL AND STRINGENT**
7 **REGULATIONS SHALL BE PUT IN PLACE TO ENSURE THAT**
8 **WASTES ARE DISPOSED OF WITHOUT DETRIMENTAL**
9 **IMPACT TO THE ENVIRONMENT. PRODUCTS OF**
10 **COMBUSTION FROM THE INCINERATORS MUST BE**
11 **PROPERLY TREATED BEFORE GASES ARE RELEASED INTO**
12 **THE ATMOSPHERE.**
13

14 **TRADITIONAL AND/OR SMALL-SCALE METHODS OF**
15 **COMMUNITY INCINERATION FOR SANITATION PURPOSES**
16 **OR “SIGA”, AGRICULTURAL, CULTURAL, HEALTH, FOOD**
17 **PREPARATION, AND CREMATORIA INCINERATION SHALL**
18 **CONTINUE TO BE ALLOWED, SUBJECT TO EXISTING RULES**
19 **AND REGULATIONS.**
20

21 With due concern on the effects of climate change, the Department shall
22 promote the use of the state-of-the-art, environmentally sound and safe
23 non-burn technologies for the handling, treatment, thermal destruction,
24 utilization, and disposal of sorted, unrecycled, uncomposted municipal,
25 bio-medical and hazardous wastes.”
26
27

28 **SEC. 3. *Regulation of Waste Treatment Technology.*** - Thermal and other
29 treatment technologies for the disposal of municipal and hazardous wastes, or for
30 the processing of any waste material for fuel, whether for commercial use or not,
31 shall be designed and operated to meet the standards established pursuant to this
32 Act and its implementing rules and regulations. These technologies shall be fitted
33 with equipment that will continuously monitor, record, and make publicly
34 available the reported data on their emissions or air pollutant concentrations.
35 Proposed facilities that generate energy or waste-to-energy facilities shall be
36 given priority over other treatment technologies. Entities utilizing such
37 technologies shall incorporate in their facilities and operations the appropriate
38 material recovery program. Thermal treatment units shall treat wastes at a
39 temperature of not less than eight hundred fifty degrees centigrade (850°C).
40
41

42 **SEC. 4. *Lead Agencies.*** – The Department of Environment and Natural
43 Resources (DENR) shall be primarily responsible for the implementation and

1 enforcement of this Act, while the Department of Energy (DOE) is primarily
2 responsible over relevant regulations pertaining to waste-to-energy facilities.
3 Both agencies shall promote the use of state-of-the-art, environmentally-sound
4 and safe technologies for the handling, treatment, thermal or non-thermal
5 destruction, utilization, and disposal of residual wastes.

6
7 Pursuant to Sec. 15 of RA 8749, the Pollution Research and Development
8 Program shall likewise include the continuous monitoring, evaluation, and
9 development of more appropriate air quality guideline values and standards for
10 the treatment of municipal and hazardous wastes, or for the processing of any
11 waste material for fuel.

12
13
14 **SEC. 5. *Role of Local Government Units (LGUs) in Setting Up Treatment***
15 *Facilities.* – The LGUs are hereby mandated to promote, encourage and
16 implement in their respective jurisdictions a comprehensive solid waste
17 management plan that includes waste reduction, segregation, recycling,
18 composting, and recovery. The establishment of treatment facilities shall be
19 facilitated by LGUs within a region, province, or strategically clustered LGUs, in
20 consonance with their respective ten (10)- year solid waste management plans:
21 *Provided,* That these are consistent with the national solid waste management
22 framework established pursuant to Republic Act No. 9003 (RA 9003), otherwise
23 known as the Ecological Solid Waste Management Act of 2000.

24
25
26 **SEC. 6. *Role of the National Solid Waste Management Commission***
27 *(NSWMC).* – The solid waste management plans and supplemental disposal plans
28 of all LGUs, including those which may carry out treatment projects, shall be
29 submitted to the NSWMC which shall render a decision within ten (10) working
30 days from submission thereof. The NSWMC shall put in writing the reasons for
31 either approving or denying such plans.

32
33
34 **SEC. 7. *Role of the Department of Science and Technology (DOST).*** – The
35 DOST shall undertake the necessary verification of the technology that will be
36 used for the treatment or waste processing projects. The verification shall be
37 completed and reported in writing within ten (10) working days from receipt of
38 the application, or twenty (20) working days if the application is for a new
39 technology.

40
41
42 **SEC. 8. *Role of the Department of Energy (DOE)*** – The DOE, in addition
43 to its powers and functions under Republic Act No. 7638, otherwise known as

1 Department of Energy Act of 1992, shall, insofar as the establishment and
2 operation of facilities that recover energy:

- 3
- 4 a. Accredited and classify facilities that recover energy based on the energy
5 output, and determine the standards, criteria and requirements
6 applicable therefor pursuant to Republic Act No. 9136 (RA 9136),
7 otherwise known as the Electric Power Industry Reform Act of 2001,
8 Republic Act No. 9367, otherwise known as the Biofuels Act of 2006,
9 and Republic Act No. 9513, otherwise known as the Renewable Energy
10 Act of 2008, whichever is applicable: Provided, That the energy
11 generated from the facilities shall be regulated by the Energy
12 Regulatory Commission insofar as the rates and pricing thereof;
13
- 14 b. Include a waste-to-energy implementation strategy in the Philippines
15 energy plan, which takes into consideration the national solid waste
16 management framework;
17
- 18 c. Make available to the public, especially to potential investors for these
19 facilities, local and national information on the following:
20
 - 21 i. current and potential uses of facilities in relation to solid waste
22 management;
 - 23 ii. inventory of existing facilities; and
 - 24 iii. other relevant information.
- 25
- 26

27 **SEC. 9. Responsibility of Owner and Operator.** – Responsibility for
28 compliance with the standards promulgated for the establishment and operation
29 of waste treatment facilities shall rest with the owner and/or operator thereof. If,
30 by virtue of a contract, the operator is primarily and solely responsible for
31 compliance with the standards, the same shall not relieve the owner of the
32 requirement to exercise due diligence to ensure the operator's compliance.
33

34 In the event that the ownership of the facility is transferred to another
35 person, the previous owner shall notify the new owner of the standards and the
36 conditions set for the operation of said facility, and the laws and regulations that
37 the new owner or operator has to comply with. These standards for operation of
38 waste treatment or processing facility may be made more stringent by not more
39 than five percent (5%):
40

41 Provided, That the more stringent standards shall be effected ten (10) years
42 following the commencement of the operation of the facility that is established
43 after the effectivity of this Act.

1
2 **SEC. 10. *Grant of Incentives.*** – The following fiscal and non-fiscal
3 incentives shall be granted to registered investors and hosts of waste treatment
4 programs:
5

6 a. Fiscal and Non-Fiscal Incentives. – Upon certification by the DOE,
7 waste-to-energy projects may be granted the incentives provided under
8 Title XIII of Republic Act No. 8424, otherwise known as the National
9 Internal Revenue Code of 1997, as amended, and any other applicable
10 laws: Provided, That the inclusion of waste-to-energy projects in the
11 strategic investment priorities plan shall be reviewed and may be
12 extended by the BOI.
13

14 b. Financial Assistance Program – Government financial institutions such
15 as the Landbank of the Philippines, Development Bank of the
16 Philippines, Government Service Insurance System, and such other
17 government institutions providing financial service shall, in accordance
18 with and to the extent allowed by the enabling provisions of their
19 respective charters or applicable laws, accord high priority in the
20 extension of financial services to individuals, enterprises, or private
21 entities engaged in putting up treatment facilities: Provided, That these
22 institutions shall allocate five percent (5%) of their loan portfolio to
23 waste treatment projects.
24

25 c. Extension of Grants and Incentives to LGUs – Provinces, cities, and
26 municipalities, the treatment facilities plan of which have been duly
27 approved by the NSWMC for adopting innovative waste treatment
28 programs, may be entitled to receive grants for the purpose of
29 developing their technical capacities toward actively participating in the
30 waste treatment projects. The LGUs that host common treatment
31 facilities shall be entitled to incentives as may be determined by the
32 NSWMC.
33
34

35 **SEC. 11. *Permits and License.*** – The procedure for the issuance of permits
36 and licenses for all kinds of waste-to-energy facilities shall be governed by
37 Republic Act No. 11234, otherwise known as the Energy Virtual One-Stop Shop
38 Act, and Republic Act No. 11032, otherwise known as the Ease of Doing
39 Business and Efficient Government Service Delivery Act of 2018.
40
41

42 **SEC. 12. *Fines and Penalties.*** – Violations of the provisions of this Act,
43 or the standards or rules and regulations promulgated for treatment facilities shall

1 be fined or penalized under the provisions of Presidential Decree No. 1586,
2 otherwise known as the Philippine Environmental Impact Statement System;
3 Republic Act No. 6969, otherwise known as the Toxic Substances and Hazardous
4 and Nuclear Waste Control Act of 1990; Republic Act No. 8749; Republic Act
5 No. 9003; and Republic Act No. 9275, otherwise known as the Philippine Clean
6 Water Act of 2004. For waste-to-energy facilities, the penal schemes established
7 under the Philippine Grid Code and Philippine Distribution Code pursuant to RA
8 9136, shall likewise apply.

9
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11 **SEC. 13. *Congressional Oversight Committee.*** – Upon the effectivity of
12 this Act, a Joint Congressional Oversight Committee shall be constituted to
13 monitor its implementation by the concerned agencies and LGUs. The Oversight
14 Committee shall be composed of the following: the Chairpersons of the
15 Committee on Ecology and Committee on Energy of the House of
16 Representatives and the Chairpersons of the Committee on Environment and
17 Natural Resources and Committee on Energy of the Senate as co-chairpersons
18 and an additional four (4) members from each House, to be designated by the
19 Speaker of the House of Representatives and the Senate President, respectively.

20
21
22 **SEC. 14. *Implementing Rules and Regulations.*** – Within ninety (90) days
23 from its effectivity, the DENR and DOE shall jointly promulgate the rules and
24 regulations for the effective implementation of this Act.

25
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27 **SEC. 15. *Report to Congress.*** – The DENR and the DOE shall submit to
28 the President of the Philippines and to Congress an annual report not later than
29 March 30 of every year following the approval of this Act, which shall include
30 an evaluation of the implementation of this Act, and the appropriate
31 recommendations thereon, and for any improvements or modifications to the
32 policies enunciated herein.

33
34
35 **SEC. 16. *Separability Clause.*** – If any provision or part of this Act is
36 declared invalid or unconstitutional, the remainder thereof not otherwise affected
37 shall remain in full force and effect.

38
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40 **SEC. 17. *Repealing Clause.*** – Section 20 of RA 8749 is hereby repealed.
41 The pertinent provision of RA 9003, as amended, and all laws, presidential
42 decrees, executive orders, letters of instructions, proclamations or administrative

1 regulations that are inconsistent with the provisions of this Act are hereby
2 repealed, amended, or modified accordingly.

3
4
5 **SEC. 18. *Effectivity.*** – This Act shall take effect fifteen (15) days after its
6 publication in the Official Gazette or in a newspaper of general circulation.

7
8
9 ***Approved,***