

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

TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. 3913



Introduced by **Representative Jaime R. Fresneda**

EXPLANATORY NOTE

This bill seeks to regulate all waste treatment technologies such as waste-to-energy (WTE) incinerators, while safely retrieving energy or fuel from it. It mandates strict compliance with air quality and emission standards, continuous public monitoring of pollutants, and the integration of material recovery programs to ensure that these facilities will complement in reducing the increasing volume of garbage in the country, prolong the service of sanitary landfills, and minimize damage to the environment and to human health.

According to the Department of Environment and Natural Resources (DENR), the Philippines produces an estimated 61,000 metric tons of solid waste daily¹, with Metro Manila accounting for 11,129.31 tons² of this volume in 2021. While Republic Act No. 9003 envisions an integrated approach to solid waste management, it did not fully anticipate the scale of waste generation we face today nor the potential of modern WTE technologies to address residual waste that cannot be feasibly recycled or composted. More than 20 years after the passage of R.A. No. 9003, solid waste generation in the country has steadily increased from 9.07 million metric tons in 2000 to 16.63 million metric tons in 2020. This is projected to reach 23.61 million tons of garbage by the end of 2025³, according to the National Solid Waste Management Commission (NSWMC).

In the 2023 Performance Audit Report of the Solid Waste Management Program by the Commission on Audit (COA)⁴, it was noted that there are no sufficient waste facilities and landfills to service the local government units and *barangays* nationwide. As of 2021, the country has 11,637 Materials Recovery Facilities (MRFs) only servicing 16,418 out of 42,046 (39.05%) *barangays* and 245 operational Sanitary Landfills (SLFs) only servicing 478 out of 1,634 (29.25%) LGUs. This has led to LGUs still relying on open dumps or uncontrolled disposal, contributing to flooding, public health hazards, and greenhouse gas emissions.

¹ When plastic waste won't wait (<https://denr.gov.ph/news-events/when-plastic-waste-wont-wait-denr-nestle-ph-organize-multi-stakeholder-discussions-yielding-recommendations-for-successful-implementation-of-epr-law/>)

² Metro Manila Solid Waste Management Information System (<https://mmfmp.mmda.gov.ph/resources>)

³ Philippines' zero-waste bid relies on informal workers (<https://newsinfo.inquirer.net/2025114/ph-zero-waste-bid-relies-on-informal-workers>)

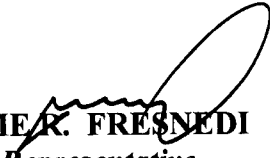
⁴ Solid Waste Management Program (PAO-2023-01) (<https://www.coa.gov.ph/reports/performance-audit-report-/2023-2/solid-waste-management-program/>)

Advances in thermal treatment and other conversion methods now allow for the safe recovery of energy from waste at temperatures above 850°C, with emissions controlled to meet stringent standards. However, the absence of a coherent legal framework, coupled with regulatory uncertainty, has stalled investment and limited the deployment of WTE projects. At present, only a handful of small-scale facilities operate nationwide, and many proposed large-scale projects remain on the drawing board due to high capital costs and unclear permitting processes.

This proposed measure recognizes WTE as part of the country's energy infrastructure, and not only as a waste disposal method by repealing the outdated prohibition on incineration. It provides a critical solution for the safe disposal of residual waste while generating renewable energy. It aligns environmental protection with energy security, fosters investment in green technology, and empowers LGUs to address waste management challenges with both immediacy and long-term sustainability. It also aligns with the Sustainable Development Goals (SDGs), to which the Philippines is a party to, and reaffirms the nation's commitment to the 2030 Agenda for Sustainable Development. In particular, it supports progress toward SDG 12.5, which aims to substantially reduce waste generation through prevention, reduction, recycling, and reuse.

In the face of rising waste volumes and the urgent need to reduce our dependence on fossil fuels, the passage of this bill is a decisive step toward a cleaner, and a more energy-resilient Philippines.

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


JAIME R. FRESNEDI
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Lone District, Muntinlupa City

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Introduced by **Representative Jaime R. Fresnedi**

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:

Section 1. *Short Title.* – This Act shall be known as the “*Waste Treatment Technology Act*”.

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

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

Pursuant to Section 15 of Republic Act No. 8749, otherwise known as the “*Clean Air Act of 1990*”, the Pollution Research and Development Program shall likewise include the continuous monitoring, evaluation, and development of more appropriate air quality guideline values and standards for the treatment of municipal and hazardous wastes, or for the processing of any waste material for fuel.

SEC. 4. *Role of Local Government Units (LGUs) in Setting Up Treatment Facilities.* – The LGUs are hereby mandated to promote, encourage and implement in their respective jurisdictions a comprehensive solid waste management plan that includes waste reduction, segregation, recycling, composting, and recovery. The establishment of treatment facilities shall be facilitated by LGUs within a region, province, or strategically clustered LGUs, in consonance with their respective ten-year solid waste management plans: *Provided*, That these are consistent with the national solid waste management framework established pursuant to Republic Act No. 9003, otherwise known as the “*Ecological Solid Waste Management Act of 2000*”.

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

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

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

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

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

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

- 1) Current and potential uses of facilities in relation to solid waste management;
- 2) Inventory of existing facilities; and,
- 3) Other relevant information.

SEC. 8. *Responsibility of Owner and Operator.* – Responsibility for compliance with the standards promulgated for the establishment and operation of waste treatment 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 Republic Act No. 11234, otherwise known as the “*Energy Virtual One-Stop Shop Act*”, and Republic Act 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 Presidential Decree No. 1586, otherwise known as the “*Environmental Impact Statement System*”; Republic Act No. 6969, otherwise known as the “*Toxic Substances and Hazardous and Nuclear Waste Control Act of 1990*”; Republic Act No. 8749; Republic Act No. 9003; and Republic Act No. 9275, otherwise known as the “*Philippine Clean Water Act of 2004*”. For waste-to-energy facilities, the penal schemes established under the Philippine

Grid Code and Philippine Distribution Code pursuant to Republic Act No. 9136, shall likewise apply.

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

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

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

SEC. 15. *Separability Clause.* – If any portion or provision of this Act is subsequently declared invalid or unconstitutional, other provisions hereof which are not affected thereby shall remain in full force and effect.

SEC. 16. *Repealing Clause.* – Section 20 of Republic Act No. 8749 otherwise known as the “*Philippine Clean Air Act of 1999*” is hereby repealed. The pertinent provision of Republic Act No. 9003 otherwise known as the “*Ecological Solid Waste Management Act of 2000*”, as amended, and other laws, presidential decrees, executive orders, rules and regulations inconsistent with any provisions of this Act shall be deemed repealed or modified accordingly.

SEC. 17. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in the Official Gazette and at least two (2) newspapers of national circulation.

Approved,