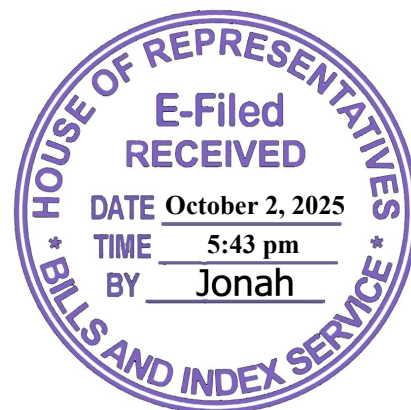


Republic of the Philippines  
**HOUSE OF REPRESENTATIVES**  
Quezon City

**TWENTIETH CONGRESS**  
*First Regular Session*

HOUSE BILL NO. 5114



---

Introduced by **REPRESENTATIVE AUDREY KAY T. ZUBIRI**

---

**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"**

**EXPLANATORY NOTE**

The Philippines faces a growing waste management challenge, with over 23 million tons of solid waste projected in 2025<sup>1</sup>. Current laws prohibit incineration, limiting the country's ability to adopt modern waste treatment technologies. This bill seeks to repeal Section 20 of the Clean Air Act of 1999 and regulate the use of Waste-to-Energy (WtE) systems and other treatment technologies to address both waste disposal and energy recovery.

Globally, WtE technologies have proven effective in reducing landfill use and generating renewable energy. Countries like Japan and Denmark have successfully implemented advanced systems that meet strict environmental standards<sup>2</sup>. Studies show that proper waste treatment can reduce methane emissions from landfills by up to 70%, contributing to climate mitigation efforts<sup>3</sup>.

To ensure safety, the bill mandates continuous emissions monitoring and compliance with updated air quality standards, including the 2021 WHO guidelines. It empowers local

---

<sup>1</sup>[https://climate-transparency-platform.org/sites/default/files/2024-06/D4\\_Overview%20of%20waste%20sector%20and%20solid%20waste\\_CBIT%20GSP.pdf](https://climate-transparency-platform.org/sites/default/files/2024-06/D4_Overview%20of%20waste%20sector%20and%20solid%20waste_CBIT%20GSP.pdf)

<sup>2</sup> [Waste-to-Energy Technologies and Global Applications](#)

<sup>3</sup> [Evaluation of waste to energy technology for municipal solid waste management: A concise review](#)

governments to establish treatment facilities aligned with their solid waste management plans and offers incentives to encourage investment and innovation.

This legislation provides a balanced approach to waste management, combining environmental protection, energy generation, and economic opportunity. It is a necessary step toward a cleaner, more sustainable future for the Philippines.

This measure was also previously filed and approved on third reading during the 19<sup>th</sup> Congress.

In view of the foregoing, the urgent passage of this measure is earnestly sought.



**AUDREY KAY T. ZUBIRI**  
*Representative, 3<sup>rd</sup> District of Bukidnon*

Republic of the Philippines  
**HOUSE OF REPRESENTATIVES**  
Quezon City

**TWENTIETH CONGRESS**  
*First Regular Session*

HOUSE BILL NO. 5114

---

Introduced by **REPRESENTATIVE AUDREY KAY T. ZUBIRI**

---

**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 the House of Representatives of the Philippines in Congress assembled:*

1           **SECTION 1.** This Act shall be known as the “Waste Treatment Technology Act.”

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

14  
15           **Sec. 3. Lead Agencies.** - The Department of Environment and Natural Resources  
16 (DENR) shall be primarily responsible for the implementation and enforcement of this Act,  
17 while the Department of Energy is primarily responsible over relevant regulations pertaining  
18 to waste-to-energy facilities. Both agencies shall promote the use of state-of-the-art,

1 environmentally-sound and safe technologies for the handling, treatment, thermal or non-  
2 thermal destruction, utilization, and disposal of residual wastes.

3  
4 Pursuant to Sec. 15 of R.A No. 8749, otherwise known as the "Clean Air Act of 1999",  
5 the Pollution Research and Development Program shall likewise include the continuous  
6 monitoring, evaluation, and development of more appropriate air quality guideline values and  
7 standards for the treatment of municipal and hazardous wastes, or for the processing of any  
8 waste material for fuel. It shall likewise align national air quality guideline values with the  
9 latest recommendations of the World Health Organization, including the 2021 Global Air  
10 Quality Guidelines.

11  
12 **Sec. 4. Role of Local Government Units (LGUs) in Setting Up Treatment Facilities.**

13 - The LGUs are hereby mandated to promote, encourage and implement in their respective  
14 jurisdictions a comprehensive solid waste management plan that includes waste reduction,  
15 segregation, recycling, composting, and recovery. The establishment of treatment facilities  
16 shall be facilitated by LGUs within a region, province, or strategically clustered LGUs, in  
17 consonance with their respective ten-year solid waste management plans: *Provided*, That these  
18 are consistent with the national solid waste management framework established pursuant to  
19 R.A. No. 9003, otherwise known as the "Ecological Solid Waste Management Act of 2000".

20  
21 **Sec. 5. Role of the National Solid Waste Management Commission (NSWMC). -**

22 The solid waste management plans and supplemental disposal plans of all LGUs, including  
23 those which may carry out treatment projects, shall be submitted to the NSWMC which shall  
24 render a decision within ten (10) working days from submission thereof. The NSWMC shall  
25 put in writing the reasons for either approving or denying such plans.

26  
27 **Sec. 6. Role of the Department of Science and Technology (DOST). -** The DOST

28 shall undertake the necessary verification of the technology that will be used for the treatment  
29 or waste processing projects. The verification shall be completed and reported in writing within  
30 ten (10) working days from receipt of the application, or twenty (20) working days if the  
31 application is for a new technology.

1           **Sec. 7. Role of the Department of Energy (DOE).** - The DOE, in addition to its powers  
2 and functions under R.A. No. 7638, otherwise known as "The Department of Energy Act of  
3 1992," shall, insofar as the establishment and operation of facilities that recover energy:

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

23           **Sec. 8. Responsibility of Owner and Operator.** - Responsibility for compliance with  
24 the standards promulgated for the establishment and operation of waste treatment facilities  
25 shall rest with the owner and/or operator thereof. If, by virtue of a contract, the operator is  
26 primarily and solely responsible for compliance with the standards, the same shall not relieve  
27 the owner of the requirement to exercise due diligence to ensure the operator's compliance In  
28 the event that the ownership of the facility is transferred to another person, the previous owner  
29 shall notify the new owner of the standards and the conditions set for the operation of said  
30 facility, and the laws and regulations that the new owner or operator has to comply with.

31

32           These standards for operation of waste treatment or processing facility may be made  
33 more stringent by not more than five percent (5%): *Provided*, That the more stringent standards

1 shall be effected ten (10) years following the commencement of the operation le facility that is  
2 established after the effectivity of this Act.

3  
4 **Sec. 9. Grant of Incentives.** - The following fiscal and non-fiscal incentives shall be  
5 granted to registered investors and hosts of waste treatment programs:

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

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

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

29  
30 **Sec. 10. Permits and Licenses.** - The procedure for the issuance of permits and licenses  
31 for all kinds of waste-to-energy facilities shall be governed by R.A No. 11234, otherwise  
32 known as the "Energy Virtual One-Stop Shop Act", and R.A. No. 11032, otherwise known as  
33 the "Ease of Doing Business and Efficient Government Service Delivery Act of 2018".

1           **Sec. 11. Fines and Penalties.** - Violations of the provisions of this Act, or the standards  
2 or rules and regulations promulgated for treatment facilities shall be fined or penalized under  
3 the provisions of P.D. 1586, otherwise known as the Environmental Impact Statement System;  
4 R.A. No. 6969, otherwise known as the "Toxic Substances and Hazardous and Nuclear Waste  
5 Control Act of 1990"; R.A. No. 8749; R.A. No. 9003; and R.A. No. 9275, otherwise known as  
6 the "Philippine Clean Water Act of 2004". For waste-to-energy facilities, the penal schemes  
7 established under the Philippine Grid Code and Philippine Distribution Code pursuant to R.A.  
8 No. 9136, shall likewise apply.

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

18  
19           **Sec. 13. Implementing Rules and Regulations.** - The DENR and DOE shall  
20 promulgate the rules and regulations for the effective implementation of this Act, within three  
21 (3) months after its approval.

22  
23           **Sec. 14. Report to Congress.** - The DENR and the DOE shall submit to the President  
24 of the Philippines and to Congress an annual report not later than March 30 of every year  
25 following the approval of this Act, which shall include an evaluation of the implementation of  
26 this Act, and the appropriate recommendations thereon, and for any improvements or  
27 modifications to the policies enunciated herein.

28  
29           **Sec. 15. Separability Clause.** - If any part or section of this Act is declared  
30 unconstitutional, such declaration shall not affect the other parts or sections of this Act.

31  
32           **Sec. 16. Repealing Clause.** - Section 20 of R.A. No. 8749 otherwise known as the  
33 "Philippine Clean Air Act of 1999" is hereby repealed. The pertinent provision of R.A. No.  
34 9003 otherwise known as the "Ecological Solid Waste Management Act of 2000", as amended,

1 and other laws presidential decrees, executive orders, rules and regulations inconsistent with  
2 any provision. of this Act shall be deemed repealed or modified accordingly.

3  
4 **Sec. 17. Effectivity.** - This Act shall take effect fifteen (15) days after its publication in  
5 the Official Gazette or in a newspaper of general circulation.

6  
7 *Approved,*