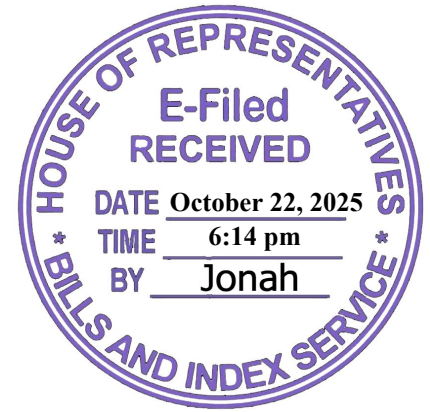


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City
TWENTIETH CONGRESS
First Regular Session



HOUSE BILL NO. 5675

Introduced by **REP. BERNADETTE "DETTE" G. ESCUDERO**

**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

Article II, Section 16 of the 1987 Constitution mandates that "[t]he State shall protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature."

Amid this compelling constitutional mandate, the numbers speak for themselves. With nearly 15 million tons of municipal solid waste generated annually, the Philippines ranks 27th among 50 countries in a global database covering 330 major cities.¹ This alarming figure underscores the critical issues confronting our landfills, from capacity shortfalls to inadequate coverage, posing serious threats to public health and underscoring the urgent need for alternative and sustainable waste treatment solutions.

This measure seeks to establish a comprehensive regulatory framework for thermal and non-thermal waste treatment facilities. It sets stringent standards for their design, operation, and monitoring to ensure that waste-to-energy and other emerging technologies operate within strict environmental safeguards, while contributing to the country's renewable energy mix. This bill also aligns the work and coordination among relevant government agencies namely: the Department of Environment and Natural Resources (DENR), Department of Energy (DOE), Department of Science and Technology (DOST) and Local Government Units to work in synergy (LGUs).

To encourage innovation and investment, the bill provides incentives and financial assistance to compliant facilities and host communities. It also mandates real-time emissions monitoring and public disclosure, ensuring transparency and public trust.

¹ Dela Peña, K. (2 October 2024) *PH produces almost 15 million tons of waste every year*. Accessed last 7 October 2025 from: <https://newsinfo.inquirer.net/2118471/ph-produces-almost-15-million-tons-of-waste-every-year>

By repealing Republic Act No. 8749, or the Philippine Clean Air Act of 1999, and abrogating the unqualified prohibition on the use of incinerators for solid waste disposal, the proposed measure seeks to introduce a regulated framework for modern waste-to-energy technologies. This aims to address the country's worsening landfill capacity shortfalls and support sustainable waste management solutions. While it opens opportunities for energy diversification and private sector investment, it likewise raises critical environmental and public health concerns if not accompanied by stringent safeguards and emission standards. This measure has already been exhaustively discussed during the 19th Congress, underscoring the need for clear policy coherence between the Clean Air Act and the Ecological Solid Waste Management Act, to ensure that waste reduction, recycling, and recovery.



HON. BERNADETTE "DETTE" G. ESCUDERO

Representative
1st District, Sorsogon

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

1 **SECTION 1. Short Title.** – This Act shall be known and referred to as the
2 "Waste 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
9 on their emissions or air pollutant concentrations. Proposed facilities that generate
10 energy or waste-to-energy facilities shall be given priority over other treatment
11 technologies. Entities utilizing such technologies shall incorporate in their facilities and
12 operations the appropriate material recovery program. Thermal treatment units shall
13 treat wastes at a temperature of not less than eight hundred fifty degrees centigrade
14 (850°C).

15 **Sec. 3. Lead Agencies.** – The Department of Environment and Natural
16 Resources (DENR) shall be primarily responsible for the implementation and

1 enforcement of this Act, while the Department of Energy is primarily responsible over
2 relevant regulations pertaining to waste-to-energy facilities. Both agencies shall
3 promote the use of state-of-the-art, environmentally-sound and safe technologies for
4 the handling, treatment, thermal or non-thermal destruction, utilization, and disposal
5 of residual wastes. Pursuant to Sec. 15 of R.A No. 8749, otherwise known as the
6 "Clean Air Act of 19 1999", the Pollution Research and Development Program shall
7 likewise include the continuous monitoring, evaluation, and development of more
8 appropriate air quality guideline values and standards for the treatment of municipal
9 and hazardous wastes, or for the processing of any waste material for fuel.

10 **Sec. 4. Role of Local Government Units (LGUs) in Setting Up**
11 **Treatment Facilities.** – The LGUs are hereby mandated to promote, encourage and
12 implement in their respective jurisdictions a comprehensive solid waste management
13 plan that includes waste reduction, segregation, recycling, composting, and recovery.
14 The establishment of treatment facilities shall be facilitated by LGUs within a region,
15 province, or strategically clustered LGUs, in consonance with their respective ten-year
16 solid waste management plans: Provided, That these are consistent with the national
17 solid waste management framework established pursuant to R.A. No. 9003, otherwise
18 known as the "Ecological Solid Waste Management Act 31 of 2000".

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

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

30 **Sec. 7. Role of the Department of Energy (DOE).** – The DOE, in addition
31 to its powers and functions under R.A. 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) Accredite and classify facilities that recover energy based on the energy output, and determine the standards, criteria and requirements applicable therefor pursuant to R.A. No. 9136, otherwise known as the "Electric Power Industry Reform Act (EPIRA) of 2001," R.A. No. 9367, otherwise known as the "Biofuels Act of 2006," and R.A. 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;

© Make available to the public, especially to potential investors for these facilities, local and national information on the following:

- (i) current and potential uses of facilities in relation to solid waste management;
- (ii) inventory of existing facilities; and,
- (iii) 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.

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

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

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

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

25 **Sec. 10. Permits and Licenses.** – The procedure for the issuance of permits
26 and licenses for all kinds of waste-to-energy facilities shall be governed by R.A No.
27 11234, otherwise known as the “Energy Virtual One-Stop Shop Act”, and R.A.
28 No.11032, otherwise known as the “Ease of Doing Business and Efficient Government
29 Service Delivery Act of 2018”.

30 **Sec. 11. Fines and Penalties.** – Violations of the provisions of this Act, or
31 the standards or rules and regulations promulgated for treatment facilities shall be
32 fined or penalized under the provisions of P.D. 1586, otherwise known as the

1 Environmental Impact Statement System; R.A. No. 6969, otherwise known as the
2 "Toxic Substances and Hazardous and Nuclear Waste Control Act of 1990"; R.A. No.
3 8749; R.A. No. 9003; and R.A. No. 9275, otherwise known as the "Philippine Clean
4 Water Act of 2004". For waste-to-energy facilities, the penal schemes established
5 under the Philippine Grid Code and Philippine Distribution Code pursuant to R.A. No.
6 9136, shall likewise apply.

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

16 **Sec. 13. Report to Congress.** – The DENR and the DOE shall submit to the
17 President of the Philippines and to Congress an annual report not later than March 30
18 of every year following the approval of this Act, which shall include an evaluation of
19 the implementation of this Act, and the appropriate recommendations thereon, and
20 for any improvements or modifications to the policies enunciated herein.

21 **Sec. 14. Separability Clause.** – If any part or section of this Act is declared
22 unconstitutional, such declaration shall not affect the other parts or sections of this
23 Act.

24 **Sec. 15. Repealing Clause.** – Section 20 of R.A. No. 8749 otherwise known
25 as the "Philippine Clean Air Act of 1999" is hereby repealed. The pertinent provision
26 of R.A. No. 9003 otherwise known as the "Ecological Solid Waste Management Act of
27 2000", as amended, and other laws, presidential decrees, executive orders, rules and
28 regulations inconsistent with any provisions of this Act shall be deemed repealed or
29 modified accordingly.

30 **Sec. 16. Effectivity.** – This Act shall take effect fifteen (15) days after its
31 publication in the Official Gazette or in a newspaper of general circulation.

Approved,