

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

TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. 5834



Introduced by **Representative AGATHA PAULA "AGAY" A. CRUZ**

EXPLANATORY NOTE

Every ton of waste we throw away is a ton of opportunity we also discard. The Philippines generates an estimated 21.4 million metric tons of solid waste annually.¹ Metro Manila and other highly-urbanized cities produce around 6.12 million metric tons of municipal solid wastes, which, if fully harnessed through conversion technologies could generate about 335 megawatts (MW) of power.² These figures reflect not just the magnitude of our waste problem, but also the magnitude of our untapped potential for cleaner air, reduced landfill dependence, and greater energy security.

The proposed Waste-to-Energy Act seeks to transform these discarded opportunities into a sustainable energy future. It establishes an integrated policy and regulatory framework for environmentally sound conversion of waste into energy while upholding the twin pillars of public health and environmental protection. Under this measure, waste-to-energy facilities may operate only under strict environmental, health, and emission standards, jointly certified by the DENR and DOH.

Equally important, the bill ensures accountability and transparency through a calibrated system of penalties, oversight, and inter-agency coordination. In doing so, it bridges environmental stewardship with energy development and binds these critical policy fronts into a common cause: turning what we throw away into what will power our tomorrow.

To help us transform our refuse into resource and our pollution into power, the immediate enactment of this bill is earnestly sought.


AGATHA PAULA "AGAY" AGUILAR CRUZ
Representative, Fifth Legislative District of Bulacan

¹ 2022 National Solid Waste Management Commission (NSWMC) data cited in *Roadmap for the Management of Managing Plastic Waste and Reduction of Non-recyclable Single-use Plastics in the Philippines*, WORLD BANK, 2024.

² 2024 NSWMC data of the cited in *DOE to Launch Special Green Energy Auction (GEA) on Waste-to-Energy (WTE)*, DEPARTMENT OF ENERGY, 2025.

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

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 **Section 2. Declaration of Policy.** –It is hereby declared the policy of the State, to
4 protect and advance the right of the people to a balanced and healthful ecology in accord
5 with the rhythm and harmony of nature, and to promote the general welfare through
6 sustainable development. Pursuant to Sections 15 and 16, Article II, of the 1987
7 Constitution, the State shall protect and promote the right to health of the people and
8 safeguard the environment, while recognizing the necessity of energy security and
9 ecological integrity as foundations of national development.
10

11 In fulfillment of its obligations and commitments under international agreements,
12 including the Paris Agreement on Climate Change and the 2030 Agenda for Sustainable
13 Development, the State shall pursue environmentally sound waste-to-energy
14 technologies as a complementary strategy to solid-waste reduction, renewable energy
15 generation, and climate resilience.
16

17 To this end, the State shall promote the responsible conversion of non-recyclable
18 waste into energy under strict environmental, health, and emission standards; ensure
19 transparency and inter-agency coordination; and harmonize environmental protection
20 with energy security for the lasting benefit of the Filipino people.
21

22 **Section 3. Scope and Application.** – This Act shall apply to all local government
23 units (LGU) and waste-to-energy (WTE) facilities.
24

Section 4. Definition of Terms. – As used in this Act:

- (a) *Agricultural waste* refers to waste generated from planting or harvesting of crops, trimming or pruning of plants, and wastes or run-off materials from farms or fields;
- (b) *Biomedical waste or hazardous healthcare waste* refers to waste from healthcare facilities that may pose a variety of environmental and health risks. It can be further classified into sharps waste, infectious waste, pathological and anatomical waste, pharmaceutical waste, genotoxic waste, chemical waste, radioactive waste, and pressurized containers as defined by the Department of Health (DOH);
- (c) *City or Municipal Solid Waste Management Board* refers to the entity established by each city or municipality pursuant to Section 12 of Republic Act (R.A.) No. 9003, otherwise known as the Ecological Solid Waste Management Act of 2000, as amended;
- (d) *Chemical and industrial waste* refers to discarded solid, liquid, or gaseous chemicals from laboratories, industrial establishments, or other sources such as diagnostic and experimental work, environmental work, cleaning, housekeeping, and disinfecting procedures;
- (e) *Clustering* refers to the strategy of pooling available resources by local government units (LGUs) for the establishment of a common solid waste management treatment facility or WTE facilities;
- (f) *Collection* refers to the act of removing solid waste from the source or from a communal storage point;
- (g) *Disposal* refers to the deposit, or placing of any solid waste into an approved disposal site pursuant to R.A. No. 9003, as amended;
- (h) *Disposal site* refers to a facility where solid waste is finally deposited and placed pursuant to R.A. No. 9003, as amended;
- (i) *Emission* means any air contaminant, pollutant, gas stream, or unwanted sound from a known source which is passed into the atmosphere;
- (j) *Hazardous waste* refers to substances that are without any safe commercial, industrial, agricultural, or economic usage. It also includes those which are shipped, transported, or brought from the country of origin for dumping or disposal into or in transit through any part of the Philippines. It shall also refer to by-product, side-products, process residues, spent reaction media,

contaminated plant or equipment, or other substances from manufacturing operations and as a customer discard of manufactures products or a combination of solid waste which, because of its quantity, concentration, physical, chemical, or infectious characteristics, may:

- (i) Cause or significantly contribute to an increase in mortality or an increase in a serious irreversible or incapacitating reversible illness, or
- (ii) Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed;

(k) *Incineration in a WTE facility* refers to a waste treatment and resource recovery technology that involves the controlled combustion of waste materials for the purpose of recovering energy from it; and whose emissions and effluents are compliant with the guidelines pursuant to this Act and other relevant laws, rules, and regulations;

(l) *Local Government Solid Waste Management Plan* refers to the ten (10) year solid waste management plan, consistent with the National Solid Waste Management Framework, prepared by the LGUs pursuant to Section 16 of R.A. No. No. 9003, as amended;

(m) *Municipal waste* refers to waste produced from activities within LGUs which include a combination of domestic, commercial, institutional, and industrial wastes and street litters pursuant to R.A. No. No. 9003, as amended;

(n) *National Solid Waste Management Commission (NSWMC)* refers to the body created and primarily tasked with overseeing the implementation of solid waste management plans and prescribing policies to achieve the objectives of R.A. No. 9003, as amended;

(o) *National Solid Waste Management Framework* refers to a document prepared by the NSWMC based on the National Solid Waste Management Status Report pursuant to Section 15 of R.A. No. 9003, as amended;

(p) *National Solid Waste Management Status Report* refers to a document prepared by the Department of Environment and Natural Resources (DENR), which is used as a basis in formulating the National Solid Waste Management Framework pursuant to Section 14 of R.A. No. 9003, as amended;

(q) *Poisonous and toxic fumes* refer to emissions and fumes which are beyond internationally accepted standards, including but not limited to the World Health Organization (WHO) are quality guidelines, as provided in R.A. No. 8749, otherwise known as the Philippine Clean Air Act of 1999;

- 1 (r) *Processing fee* refers to the amount paid to avail of the services of a waste-to-
2 energy facility as defined herein;
3
- 4 (s) *Provincial Solid Waste Management Board* refers to the entity established by
5 each province pursuant to Section 11 of R.A. No. 9003, as amended;
6
- 7 (t) *Residue* refers to substances that remain after a process such as preparation,
8 separation, purification, evaporation, combustion, distillation, or filtration in
9 a waste-to- energy facility;
10
- 11 (u) *Resource recovery* refers to the collection, extraction, or recovery of recyclable
12 materials from the waste stream for the purpose of recycling, generating
13 energy, or producing a product suitable for beneficial use;
14
- 15 (v) *Sanitary landfill* refers to a waste disposal site designed, constructed,
16 operated, and maintained in a manner that exerts engineering control over
17 significant potential environment impacts arising from the development and
18 operation of the facility pursuant to R.A. No. 9003, as amended;
19
- 20 (w) *Segregation* refers to the solid waste management practice of separating
21 different materials in solid waste to promote recycling and re-use of
22 resources, facilitate waste treatment processes, and reduce the volume of
23 waste for collection and disposal pursuant to R.A. No. 9003, as amended;
24
- 25 (x) *Solid waste* refers to all discarded household, commercial, non-hazardous
26 institutional and industrial waste, street sweepings, construction debris,
27 agricultural waste, and other non-hazardous or non-toxic solid waste. It shall
28 not include:
29 (i) Waste identified or listed as hazardous waste of a solid, liquid,
30 contained gaseous, or semisolid form, which may cause or contribute to
31 an increase in mortality or in serious or incapacitating reversible illness,
32 or acute or chronic effect on the health of persons and other organisms,
33 (ii) Infectious waste from hospitals such as equipment, instruments,
34 utensils, and fomites that may harbor or transmit pathogenic organisms,
35 and surgical operating room pathological materials from outpatient
36 areas and emergency rooms, and
37 (iii) Waste resulting from mining activities, including contaminated soil and
38 debris;
39
- 40 (y) *Solid waste management treatment facility* refers to any resource recovery
41 system or component thereof; any system, program or facility for resource
42 conservation; or any facility for the collection, source separation, storage
43 transportation, transfer, processing, treatment, or disposal of solid waste;
44

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

28 **Section 5. Classification of Waste-to-Energy.** – Waste-to-Energy shall be classified
29 as a distinct renewable energy resource, utilizing non-recyclable and non-hazardous
30 waste for the generation of electricity, heat, or fuel.
31

32 For purposes of incentives, WTE facilities shall be deemed qualified renewable
33 energy developers under R.A. No. No. 9513, otherwise known as the Renewable Energy
34 Act of 2008.
35

36 **Section 6. Waste-to-Energy Facility.** – A WTE facility shall:
37

- 38 (a) Be both a solid waste management treatment facility and an energy production
39 facility;
40
- 41 (b) Comply with establishment and operation guidelines for WTE facilities
42 pursuant to the provisions of this Act;
43
- 44 (c) Ensure the proper management of its residue which should conform to relevant

1 laws, rules, and regulations and should include making arrangements with a
2 sanitary landfill, or developing its own, prior to its operations, as a disposal
3 site for any residue generated from its operations in accordance with NSWMC,
4 DENR, and DOH guidelines issued pursuant to this Act; and
5

6 (d) Comply with relevant laws, rules, and regulations including but not limited to
7 the following:

- 8 (i) Presidential Decree No. 1586 (Establishing an Environmental Impact
9 Statement System);
- 10 (ii) R.A. No. 6969 (Toxic Substances and Hazardous and Nuclear Waste Act);
- 11 (iii) R.A. No. 7638 (Department of Energy Act of 1992), as amended;
- 12 (iv) R.A. No. 8749 (Philippine Clean Air Act of 1999);
- 13 (v) R.A. No. 9003 (Ecological Solid Waste Management Act of 2000), as
14 amended;
- 15 (vi) R.A. No. 9136 (Electric Power Industry Reform Act of 2001);
- 16 (vii) R.A. No. 9275 (Philippine Clean Water Act of 2004);
- 17 (viii) R.A. No. 9367 (Biofuels Act of 2006);
- 18 (ix) R.A. No. 9513 (Renewable Energy Act of 2008);
- 19 (x) R.A. No. 11223 (Universal Health Care Act);
- 20 (xi) WHO Guidelines on Air Quality
21

22 All waste treatment technologies in a WTE facility shall be allowed, including
23 incineration: *Provided*, That these technologies shall not emit toxic and poisonous fumes
24 into the environment, operate in compliance with best available techniques and/or best
25 existing practice for preventing and controlling pollution from waste treatment, and shall
26 comply with all the laws mentioned hereof and other relevant laws, rules, and regulations.
27

28 In addition to the provisions of this Act, the segregation, collection, transfer,
29 storage, and transport of solid waste as WTE feedstock for a WTE facility, and the waste
30 treatment process of the WTE facility shall be governed by R.A. No. 9003, as amended,
31 and R.A. No. 8749, while the energy production aspect of the WTE facility shall be
32 governed by R.A. No. 7638, R.A. No. 9136, R.A. No. 9367, R.A. No. 9513, and other
33 relevant laws, rules, and regulations.
34

35 **Section 7. National Solid Waste Management Commission.** – The Secretary of the
36 Department of Energy (DOE) shall serve in *ex officio* capacity as member of the National
37 Solid Waste Management Commission (NSWMC), which shall now have fifteen (15)
38 members, comprising of nine (9) members from the government sector and six (6)
39 members from the private sector. In addition to its powers and functions under R.A. No.
40 9003, as amended, the NSWMC shall:
41

- 42 (a) Integrate WTE strategies into the National Solid Waste Management
43 Framework;
44

- 1 (b) Act as the lead agency in formulating standards, criteria, and guidelines for the
2 feasibility, siting, design, and operation of WTE facilities to avoid inconsistent
3 and conflicting issuances;
4
- 5 (c) Regularly determine, review, and publish the following:
6
- 7 (i) Standards, criteria, and guidelines for:
8 1. Determination of the feasibility of integrating a WTE strategy in the
9 Local Government Solid Waste Management Plan, taking into account
10 the volume of WTE feedstock that may be generated from municipal
11 waste in an LGU or clusters thereof;
12 2. Characterization and composition of solid waste utilized as WTE
13 feedstock for WTE facilities to ensure emissions are compliant with R.A.
14 No. 8749 and other relevant laws, rules, and regulations;
15 3. Transport, storage, and pre-processing of WTE feedstock;
16 4. Pre-operation, siting, design, operation, and maintenance of WTE
17 facilities;
18 5. Quality control and operational control of WTE facilities;
19 6. Management of residue from WTE facilities, if any;
20 7. Pollution abatement, emissions monitoring, environmental monitoring,
21 and public health and safety monitoring in relation to WTE facilities;
22 8. Decommissioning, closure, and abandonment of WTE facilities; and
23 9. Other guidelines pursuant to relevant laws, rules, and regulations;
24
- 25 (ii) Minimum standards, criteria, and guidelines, in determining a fair,
26 equitable, and reasonable processing fee for WTE facilities taking into
27 consideration, among others, the cost of construction, operation, and
28 maintenance of the facility as well as potential revenue from the sale of
29 energy output, in consultation with relevant government agencies, experts,
30 and stakeholders;
31
- 32 (d) Consolidate and make available to the public, through its website and any
33 online means, the following:
34
- 35 (i) Current and potential uses of WTE facilities in relation to solid waste
36 management;
37 (ii) Inventory of existing WTE facilities;
38 (iii) General feedstock characterization;
39 (iv) Status and projection of feedstock generation;
40 (v) Specific locations of potential feedstock and WTE facilities; and
41 (vi) Other relevant information;
42
- 43 (e) Provide policy guidelines to assist LGUs in the development of WTE facilities
44 to include the determination of the potential of WTE facilities in their respective

1 localities;

2
3 (f) Ensure LGUs incorporate a WTE strategy, if feasible, in their respective Local
4 Government Solid Waste Management Plans;

5
6 (g) Recommend and oversee LGU clustering arrangements for a common WTE
7 facility in accordance with the standards to be set forth in the Implementing
8 Rules and Regulations;

9
10 (h) Coordinate with the Provincial, City, and Municipal Solid Waste Management
11 Boards especially for clustered LGUs employing a common WTE facility; and

12
13 (i) Perform all other acts that are analogous to the foregoing, which are necessary
14 and incidental to accomplish the policy objectives of this Act.

15
16 **Section 8. Role of the Department of Energy (DOE).** – In addition to its powers and
17 functions under R.A. No. 7638, DOE shall:

18
19 (a) Issue energy operation permits to WTE facilities based on the energy output,
20 and determine the standards, criteria, and requirements applicable for each
21 kind of WTE facility pursuant to R.A. No. 7638, R.A. No. 9136, R.A. No. 9367,
22 R.A. No. 9513, and other relevant laws, rules, and regulations;

23
24 (b) Include a WTE strategy in the Philippine Energy Plan and Renewable Portfolio
25 Standards, taking into consideration the National Solid Waste Management
26 Framework;

27
28 (c) Regulate energy output and connection of WTE plants to the national grid;

29
30 (d) Coordinate with NSWMC on facility accreditation, fee structures, and technical
31 standards;

32
33 (e) Regularly submit to the NSWMC and make available to the public, especially
34 to potential WTE investors, national and local information on the following:

35 (i) Current and potential uses of WTE facilities in relation to solid waste
36 management,

37 (ii) Inventory of existing WTE facilities, and

38 (iii) Other relevant Information; and

39
40 (f) Perform all other acts that are analogous to the foregoing, which are necessary
41 and incidental to accomplish the policy objectives of this Act.

42
43 **Section 9. Role of the Department of Environment and Natural Resources (DENR).**
44 – In addition to its powers and functions under R.A. No. 9003, as amended, and R.A. No.

1 8749, the DENR shall:

- 2
- 3 (a) Oversee environmental compliance, emission testing, and residue
- 4 management of WTE facilities;
- 5
- 6 (b) Include a WTE strategy, if feasible, in the National Solid Waste Management
- 7 Status Report;
- 8
- 9 (c) Provide technical and other capacity building assistance and support to LGUs
- 10 based on the policy guidelines created by the NSWMC pursuant to Section 7(e)
- 11 of this Act;
- 12
- 13 (d) Implement and revise, when necessary, together with the DOH, existing
- 14 guidelines issued pursuant to R.A. No. 9003, as amended, on waste transport
- 15 pre-operation, waste acceptance, waste storage, pre-processing of waste,
- 16 quality control, operational control, pollution abatement, management of
- 17 residue, emissions monitoring, environmental monitoring, public health and
- 18 safety monitoring, decommissioning, closure, and abandonment, among
- 19 others, taking into account the NSWMC's standards, criteria, and guidelines
- 20 under Section 7(c) of this Act and other relevant laws, rules, and regulations,
- 21 and in consultation with relevant stakeholders;
- 22
- 23 (e) Ensure compliance with this Act to include continuous monitoring and testing
- 24 of by-products of WTE facilities;
- 25
- 26 (f) Make available to the public, through its website and any online means, the
- 27 emissions, effluents and other by-products of WTE facilities;
- 28
- 29 (g) Investigate, motu proprio or upon complaint, reports of non-compliance of
- 30 WTE facilities with the provisions of this Act and other relevant laws, rules,
- 31 and regulations;
- 32
- 33 (h) Exercise visitorial and enforcement powers to ensure strict compliance of WTE
- 34 facilities with this Act, R.A. No. 9003, as amended, R.A. No. 8749, and other
- 35 relevant laws, rules, and regulations;
- 36
- 37 (i) Recommend to the NSWMC policies to address challenges of WTE facilities
- 38 from a solid waste management perspective;
- 39
- 40 (j) Publish monitoring data and inspection results online; and
- 41
- 42 (k) Perform all other acts that are analogous to the foregoing, which are necessary
- 43 and incidental to accomplish the policy objectives of this Act.
- 44

1 **Section 10. Role of the Department of Health (DOH).** – In addition to its existing
2 powers and functions, the DOH shall:

- 3
- 4 (a) Ensure all WTE facilities undergo a Health Impact Assessment, pursuant to
5 R.A. No. 11223 and Presidential Decree No. 1586, as part of the Environmental
6 Impact Assessment System, to be jointly reviewed and approved by the DOH
7 and DENR prior to construction and operation;
- 8
- 9 (b) Implement and revise, when necessary, together with DENR, existing
10 guidelines issued pursuant to R.A. No. 9003, as amended, on waste transport,
11 pre-operation, waste acceptance, waste storage, pre-processing of waste,
12 quality control operational control, pollution abatement, management of
13 residue, emissions monitoring, environmental monitoring, public health and
14 safety monitoring, decommissioning, closure, and abandonment, among
15 others, taking into account the NSWMC's standards, criteria, and guidelines
16 under Section 7(c) of this Act and other relevant laws, rules, and regulations,
17 and in consultation with relevant stakeholders;
- 18
- 19 (c) Regularly conduct an analysis of the effects of WTE facilities and disposal sites
20 on public health and submit the same to the NSWMC for consolidation, and
21 DENR for proper action, if applicable;
- 22
- 23 (d) Monitor public health outcomes in communities affected by WTE operations;
- 24
- 25 (e) Undertake research on the public health impacts of WTE facilities and WTE
26 technologies, together with government agencies, the academe, and private
27 stakeholders;
- 28
- 29 (f) Make available to the public, through its website and any online means, studies
30 and analyses of the effects of WTE facilities and disposal sites on public health;
31 and
- 32
- 33 (g) Perform all other acts that are analogous to the foregoing, which are necessary
34 and incidental to accomplish the policy objectives of this Act.
- 35

36 **Section 11. Role of Local Government Units (LGUs).** – In addition to their powers,
37 functions, and responsibilities under R.A. No. 7160 otherwise known as the Local
38 Government Code of 1991, and R.A. No. 9003, as amended, LGUs shall:

- 39
- 40 (a) In the case of a city or municipality and if applicable, be responsible for the
41 hauling of WTE feedstock to a WTE facility;
- 42
- 43 (b) In the case of a province and if applicable, provide necessary logistical and
44 operational support for the processing of WTE feedstock in a WTE facility;

- 1
- 2 (c) Integrate a WTE strategy, if feasible, into their respective Local Government
- 3 Solid Waste Management Plans;
- 4
- 5 (d) Ensure compliance with standards, criteria, and guidelines on WTE feedstock
- 6 and WTE facilities pursuant to Sections 7(c), 9(d), and 10(b) of this Act, if
- 7 applicable; and
- 8
- 9 (e) Be authorized to enter into and shall comply with all obligations under the
- 10 following:
- 11 (i) Clustering arrangements with other LGUs for a common WTE facility, on
- 12 their own or upon recommendation of the Provincial Solid Waste
- 13 Management Board or the NSWMC: *Provided*, That the province shall have
- 14 the power to cluster component cities and municipalities based on the
- 15 NSWMC approved provincial and local solid waste management plans and
- 16 the recommendation of the NSWMC pursuant to Section 7(g) of this Act;
- 17 (ii) Long-term contracts with WTE facilities, on their own or with clustered
- 18 LGUs, and
- 19 (iii) Public-private partnerships pursuant to R.A. No. 6957, titled An Act
- 20 Authorizing the Financing, Construction, Operation and Maintenance of
- 21 Infrastructure Projects by the Private Sector, and for Other Purposes, as
- 22 amended; cooperative undertakings under Section 33 of R.A. No. 7160; and
- 23 other contractual arrangements provided for under existing laws, rules,
- 24 regulations as well as the LGUs' respective charters for the establishment
- 25 of WTE facilities: *Provided*, That WTE projects submitted to the Investment
- 26 Coordinating Committee pursuant to R.A. No. 6957, as amended, shall be
- 27 acted upon within thirty (30) working days from submission: *Provided*,
- 28 *further*, That failure to act within the prescribed time frame shall deem such
- 29 projects approved.
- 30

31 The national government shall provide support to all LGUs towards the effective

32 implementation and the achievement of the policy objectives of this Act: *Provided*, That

33 the provision of support by the national government shall be compliant with the

34 provisions all relevant laws, rules and regulations.

35

36 **Section 12. Role of the Provincial Solid Waste Management Board.** – In addition

37 to its powers and functions under R.A. No. 9003, as amended, the Provincial Solid Waste

38 Management Board shall:

39

- 40 (a) Integrate a WTE strategy, if feasible, in the Provincial Solid Waste Management
- 41 Plan taking into consideration the Local Government Solid Waste Management
- 42 Plans of all its component cities and municipalities;
- 43
- 44 (b) Recommend potential locations for WTE facilities in the Provincial Solid Waste

1 Management Plan;

- 2
- 3 (c) Identify and recommend, or direct, pursuant to Section 11 of this Act, clustering
- 4 of component cities and municipalities for a common WTE facility, based on
- 5 the Local Government Solid Waste Management Plans of all its component
- 6 cities and municipalities;
- 7
- 8 (d) Provide the necessary logistical and operational support to component cities
- 9 and municipalities who have the potential to be clustered, have decided to be
- 10 clustered, or have been directed to be clustered pursuant to Section 11 of this
- 11 Act, for a common WTE facility;
- 12
- 13 (e) Coordinate the efforts and oversee the implementation of the clustering of
- 14 component cities and municipalities for a common WTE facility; and
- 15
- 16 (f) Coordinate with other Provincial, City and Municipal Solid Waste
- 17 Management Boards in identifying possible inter- and intra- province
- 18 clustering for a common WTE facility.
- 19

20 **Section 13. Role of the City or Municipal Solid Waste Management Board.** – In

21 addition to its powers and functions under R.A. No. 9003, as amended, the City or

22 Municipal Solid Waste Management Board shall integrate a WTE strategy, if feasible, in

23 its Local Government Solid Waste Management Plan, and shall submit a copy thereof to

24 the Provincial Solid Waste Management Board.

25

26 **Section 14. Role of the Public-Private Partnership (PPP) Center.** – The PPP Center

27 shall provide support to all LGUs towards the effective implementation and the

28 achievement of the policy objectives of this Act in accordance with its mandate under

29 existing laws, issuances, rules, and regulations.

30

31 **Section 15. Permits and Licenses.** – The procedure for the issuance of permits and

32 licenses for all kinds of WTE facilities shall be governed by R.A. No. 11234, otherwise

33 known as the Energy Virtual One-Stop Shop Act.

34

35 **Section 16. Prohibited Acts.** – The following acts are prohibited:

36

- 37 (a) For LGUs:
- 38 (i) Failure to include, if feasible, and implement, if applicable, the WTE
- 39 strategy in their respective Local Government Solid Waste Management
- 40 Plans, and
- 41 (ii) Failure to perform the responsibilities in Section 11 on the Role of Local
- 42 Government Units, Section 12 on the Role of the Provincial Solid Waste
- 43 Management Board, and Section 13 on the Role of the City or Municipal
- 44 Solid Waste Management Board;

(b) For government agencies, failure to perform the powers and functions indicated under Section 7 on the National Solid Waste Management Commission, Section 8 on the Role of the Department of Energy, Section 9 on the Role of the Department of Environment and Natural Resources, and Section 10 on the Role of the Department of Health; and

(c) For WTE facilities:

(i) Failure to comply with the responsibilities in Section 6 on Waste-to-Energy and Waste-to-Energy Facility, and

(ii) Use of imported municipal solid waste as WTE feedstock for a WTE facility.

Section 17. Penalties. – Without prejudice to civil and criminal liability, the following persons found to have violated the Sections mentioned below shall be meted with the following penalties:

(a) Officials of LGUs who violate Section 16(a) shall be subject to:

(i) First offense: six (6) months suspension;

(ii) Second offense: Dismissal from service, perpetual disqualification from holding public office, and forfeiture of retirement benefits.

(b) Officials of government agencies who violate Section 16(b) shall suffer dismissal from service, perpetual disqualification from holding public office, forfeiture of retirement benefits, and imprisonment for one (1) to six (6) years with a fine of not less than Five Hundred Thousand Pesos (PhP 500,000.00) but not more than Two Million Pesos (PhP 2,000,000.00).

(c) Any person who violates Section 14(c)(i) shall be subject to:

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

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

(iii) Third offense: The same penalties as with the second offense and permanent revocation of the license of the WTE facility.

(d) Any person who violates Section 16(c)(ii) shall pay a fine of One Million Pesos (PhP 1,000,000.00) and an amount not less than ten percent (10%) but not more than fifteen percent (15%) of the net annual income during the previous year, and shall suffer imprisonment of a minimum period of one (1) year but not to exceed three (3) years and permanent revocation of the license of the WTE facility. The same person shall repatriate the imported municipal solid waste to its country of origin.

For Section 16, if the violation is committed by a corporation, partnership, or other juridical entity duly recognized in accordance with the law, the chief executive officer, president, general manager, managing partner, or such other officer-in-charge shall be liable for the commission of the offense penalized under this Act.

Section 18. *Incentives.* – WTE facilities, depending on their output, shall be entitled to fiscal and non-fiscal incentives granted to renewable energy developers under 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, including income tax holidays, duty-free importation of equipment, and priority connection to the power grid.

Section 19. *Establishment of Dedicated Offices.* – The DOE, DENR, DOH and NSWMC shall establish dedicated offices for the effective implementation of this Act. The organizational structure and staffing complement shall be determined by the Secretaries of DENR, DOE, and DOH, in consultation with the Department of Budget and Management, and in accordance with existing civil service rules and regulations. The budgetary requirements necessary for the establishment of the dedicated offices shall be taken from the current appropriations of DOE, DENR, DOH and NSWMC. Thereafter, the funding for the dedicated offices shall be included in the annual General Appropriations Act.

Section 20. *Funding and Appropriations.* – The amount necessary for the initial implementation of this Act shall be charged to the current year's appropriations of the DOE, DENR, DOH, and NSWMC, in the following amounts:

- (a) DOE - Fifteen Million Pesos (PhP 15,000,000.00);
- (b) DENR - Three Hundred Million Pesos (PhP 300,000,000.00);
- (c) DOH - Forty-five Million Pesos (PhP 45,000,000.00); and
- (d) NSWMC - Twenty-seven Million Pesos (PhP 27,000,000.00)

Thereafter, such amounts necessary for the sustainable implementation of this Act shall be included annually in the General Appropriations Act.

Section 21. *Congressional Oversight.* – The Joint Congressional Energy Commission (JCEC), created under R.A. No. 9136 and renamed under R.A. No. 11285, shall exercise oversight powers over the implementation of this Act. The Chairpersons of the Committee on Environment and Natural Resources of the Senate and the House of Representatives shall be automatic members of the JCEC.

Section 22. *Implementing Rules and Regulations.* – The DOE and DENR, in consultation with DOH, NSWMC, Department of the Interior and Local Government, LGUs, and other stakeholders shall issue the implementing rules and regulations of this Act within ninety (90) calendar days upon its effectivity.

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2 **Section 23. *Separability Clause.*** – If any part or provision of this Act is held
3 unconstitutional or invalid, the remainder thereof not otherwise affected shall remain in
4 full force and effect.
5

6 **Section 24. *Repealing Clause.*** – All laws, decrees, executive orders, rules, and
7 regulations, or parts thereof inconsistent with the provisions of this Act are hereby
8 repealed or modified accordingly.
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10 **Section 25. *Effectivity.*** – This Act shall take effect fifteen (15) days following the
11 completion of its publication in the *Official Gazette* or in a newspaper of general circulation.
12

13 *Approved,*