

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

TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. 8129



Introduced by **Representative Florabel Co Yatco**

EXPLANATORY NOTE

As a mother and legislator, I have seen how unmanaged waste and recurring floods directly affect our families, especially our children. When canals overflow with garbage, when landfills are full, and when communities are submerged in floodwaters, it is our homes, our health, and our children's future that suffer first.

This proposed measure seeks to establish a clear national policy and regulatory framework for Waste-to-Energy (WTE) facilities as part of a more integrated response to the country's solid waste and energy challenges. While the Ecological Solid Waste Management Act of 2000¹ laid down the foundation for proper waste segregation and disposal, serious gaps in infrastructure and capacity remain.

Based on the 2023 Annual Audit Report of the Commission on Audit, only 245 sanitary landfills were operational as of 2021, servicing merely 478 out of 1,634 local government units nationwide.² At the same time, the country generates more than 12,000 tons of waste daily.³ In Metro Manila alone, garbage collection expenses reached Php3.336 billion in 2022.⁴ These figures show that despite our laws, our communities continue to struggle with mounting waste and rising costs.

The Philippine Clean Air Act of 1999⁵ prohibits incineration that emits toxic fumes harmful to public health. As NANAY, I fully uphold the protection of our children's right to clean air and a healthy environment. However, developments in international environmental policy, including the 2016 guidelines adopted under the United Nations Environment Program, have recognized that modern, properly regulated thermal Waste-to-Energy technologies may be implemented subject to strict emission standards. In 2019, the Department of Environment and Natural Resources likewise expressed openness to pursuing WTE technologies, provided compliance with environmental safeguards.⁶

Waste-to-Energy systems convert non-recyclable waste into usable heat, electricity, or fuel through controlled processes, as defined by the Department of Energy.⁷ When strictly regulated, these facilities can significantly reduce landfill dependence, lessen pollution from open dumping, and contribute to energy diversification. Moreover, improved solid waste management has been linked to reduced flooding caused by clogged waterways.⁸

This bill establishes a comprehensive framework for the development, regulation, and monitoring of WTE facilities. It classifies WTE as a renewable energy resource and mandates strict compliance with existing environmental laws, including the Clean Air Act⁵ and the Philippine Clean Water Act of 2004.⁹ It allows appropriate waste treatment technologies only upon full compliance with stringent emission limits and pollution-control mechanisms.

This is not merely an energy measure. This is a measure for families... for cleaner neighborhoods, for safer communities, and for a future where our children no longer grow up beside mountains of waste or knee-deep in floodwaters.

Bilang boses ng mga NANAY at ng Pamilyang Pilipino, marapat lamang na tayo ay agarang umakasyon nang may tapang at pagmamahal... embracing innovation while protecting public health and the environment.

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


FLORABEL CO YATCO
Representative
NANAY Partylist

¹ Republic Act No. 9003 (Ecological Solid Waste Management Act of 2000).
² Commission on Audit, Annual Audit Report on the National Solid Waste Management Commission (2023), citing 2021 data.
³ National Solid Waste Management Status Report (latest available data).
⁴ Metro Manila Development Authority (MMDA), 2022 reported garbage collection expenditures.
⁵ Republic Act No. 8749 (Philippine Clean Air Act of 1999).
⁶ Department of Environment and Natural Resources (DENR) statements on Waste-to-Energy technologies, 2019.
⁷ Department of Energy (DOE), definition of Waste-to-Energy systems.
⁸ Presidential Communications Office (PCO), reports on impact of improved waste management on flood mitigation.
⁹ Republic Act No. 9275 (Philippine Clean Water Act of 2004).

HOUSE OF REPRESENTATIVES
H.B. No. 8129

Introduced by Hon. Florabel Co Yatco

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

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

SECTION 1. Short Title. – This Act shall be known as the “*Waste-to-Energy Act*”.

SEC. 2. Declaration of Policy. – It is hereby declared the policy of the State to:

- a) Ensure protection of the public's health and the environment through a systematic and comprehensive ecological solid waste management program;
- b) Strengthen its commitment to solid waste avoidance and volume reduction by supplementing the latter with other solid waste management treatment technologies to include waste-to-energy;
- c) Encourage the development and utilization of environmentally sustainable new and alternative technologies in resource recovery, resource conservation, processing, treatment, and disposal of solid waste, such as waste-to-energy facilities;
- d) Support the utilization of waste-to-energy facilities in order to attain sustainable energy and energy security;
- e) Strengthen the integration of solid waste management, waste-to-energy promotion, and environmental protection towards healthful cities amidst economic growth and development; and
- f) Promote collaboration, cooperation, and participation of various sectors in coordinated approaches to solid waste management and waste treatment technology towards national development and jobs creation.

SEC. 3. Scope and Application. – This Act shall apply to all local government units (LGU) and waste-to-energy (WTE) facilities.

SEC. 4. Definition of Terms. – For purposes of this Act, the following terms shall be defined as stated below:

- 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 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* is a strategy of pooling available resources of local government units (LGUs) for the establishment of a common solid waste management treatment facility or service;
- 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 Republic Act No. 9003, as amended;
- h) *Disposal site* refers to a facility where solid waste is finally deposited and placed pursuant to Republic Act 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-products, side-product, process residues, spent reaction media, contaminated plant or equipment, or other substances from manufacturing operations and as a customer discard of manufactured 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 Republic Act 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 Republic Act 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 Republic Act 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 Republic Act 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 Republic Act No. 9003, as amended;
- q) *Poisonous and toxic fumes* means any emissions and fumes which are beyond internationally accepted standards, including but not limited to the World Health Organization (WHO) air quality guidelines, as provided in Republic Act No. 8749, otherwise known as the Philippine Clean Air Act of 1999;
- r) *Processing fee* refers to the amount paid to avail of the services of a waste-to-energy facility as defined herein;
- s) *Provincial Solid Waste Management Board* refers to the entity established by each province pursuant to Section 11 of Republic Act No. 9003, as amended;
- t) *Residue* refers to substances that remain after a process in a waste-to-energy facility such as preparation, separation, purification, evaporation, combustion, distillation, or filtration;
- u) *Resource recovery* refers to the collection, extraction, or recovery of recyclable materials from the waste stream for the purpose of recycling, generating energy, or producing a product suitable for beneficial use;
- v) *Sanitary landfill* refers to a waste disposal site designed, constructed, operated, and maintained in a manner that exerts engineering control over significant potential environment impacts arising from the development and operation of the facility pursuant to Republic Act No. 9003, as amended;
- w) *Segregation* refers to a solid waste management practice of separating different materials found in solid waste in order to promote recycling and re-use of resources, facilitate waste treatment processes, and to reduce the volume of waste for collection and disposal pursuant to Republic Act No. 9003, as amended;
- x) *Solid waste* refers to all discarded household waste, commercial waste, nonhazardous institutional and industrial waste, street sweepings, construction debris, agricultural waste, and other non-hazardous or non-toxic solid waste. It shall not include:
 - i. Waste identified or listed as hazardous waste of a solid, liquid, contained gaseous, or semisolid form, which may cause or contribute to an increase in mortality or in serious or incapacitating reversible illness, or acute or chronic effect on the health of persons and other organisms,

- ii. Infectious waste from hospitals such as equipment, instruments, utensils, and fomites of a disposable nature from patients who are suspected to have or have been diagnosed as having communicable diseases and must therefore be isolated as required by public health agencies, laboratory wastes as pathological specimens, and disposable fomites that may harbor or transmit pathogenic organisms, and surgical operating room pathologic materials from outpatient areas and emergency rooms, and
- iii. Waste resulting from mining activities, including contaminated soil and debris;
- y) *Solid waste management treatment facility* refers to any resource recovery system or component thereof; any system, program or facility for resource conservation; or any facility for the collection, source separation, storage transportation, transfer, processing, treatment, or disposal of solid waste;
- z) *Solid waste management* refers to the discipline associated with the control of generation, storage, collection, transfer and transport, processing, and disposal of solid wastes in a manner that is in accord with the best principal of public health, economics, engineering, conservation, aesthetics, and other environmental considerations, and that is also responsive to the public attitudes;
- aa) *Waste* refers to any material misplaced, unused or rejected by persons worthless or unwanted. It includes, among others, agricultural, biomedical, chemical and industrial, hazardous, municipal, and solid wastes;
- bb) *Waste-to-Energy (WTE)* refers to an energy system with a process of converting WTE feedstock with various technologies, usually the conversion of non-recyclable waste materials into usable heat, electricity, or fuel through a variety of processes;
- cc) *WTE facility* refers to the facility where the WTE operations are conducted;
- dd) *WTE feedstock* refers to the waste materials with calorific-value that are taken in for WTE processing in a WTE facility;
- ee) *Waste generation* refers to the act or process of producing solid waste; and
- ff) *WTE strategy* refers to a plan of action with measurable targets for the utilization of WTE facilities for solid waste management treatment and energy production.

SEC. 5. Waste-to-Energy and Waste-to-Energy Facility. – WTE shall be classified as another kind of renewable energy resource. A WTE facility shall:

- a) Be both a solid waste management treatment facility and an energy production facility;
- b) Comply with establishment and operation guidelines for WTE facilities pursuant to Sections 6(c), 8(c), and 9(b) of this Act;
- c) Ensure the proper management of its residue which should conform to relevant laws, rules, and regulations and should include making arrangements with a sanitary landfill, or developing its own, prior to its operations, as a disposal site for any residue generated from its operations in accordance with NSWMC, DENR, and DOH guidelines issued pursuant to this Act; and

- d) Comply with relevant laws, rules, and regulations including but not limited to Presidential Decree No. 1586 Establishing an Environmental Impact Statement System, Republic Act No. 6969 otherwise known as the Toxic Substances and Hazardous and Nuclear Waste Act, Republic Act No. 7638 otherwise known as the Department of Energy Act of 1992 as amended, Republic Act No. 8749, Republic Act No. 9003, as amended. Republic Act No. 9136 otherwise known as the Electric Power Industry Reform Act of 2001, Republic Act No. 9275 otherwise known as the Philippine Clean Water Act of 2004, Republic Act No. 9367 otherwise known as the Biofuels Act of 2006, Republic Act No. 9513 otherwise known as the Renewable Energy Act of 2008, Republic Act No. 11223 otherwise known as the Universal Health Care Act, and WHO Guidelines on Air Quality.

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

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

SEC. 6. The National Solid Waste Management Commission. – The Secretary of the Department of Energy shall serve in ex officio capacity as member of the National Solid Waste Management Commission (NSWMC), which shall now have fifteen (15) members comprising of nine (9) members from the government sector and six (6) members from the private sector. In addition to its powers and functions under Republic Act No. 9003, as amended, the NSWMC shall:

- a) Include a WTE strategy in the National Solid Waste Management Framework;
- b) Act as the lead agency in ensuring streamlined standards, criteria, and guidelines for WTE facilities to avoid inconsistent and conflicting issuances;
- c) Regularly determine, review, and publish the following:
 - i. Standards, criteria, and guidelines for:
 - 1. Determination of the feasibility of integrating a WTE strategy in the Local Government Solid Waste Management Plan, taking into account the volume of WTE feedstock that may be generated from municipal waste in an LGU or clusters thereof;
 - 2. Characterization and composition of solid waste utilized as WTE feedstock for WTE facilities to ensure emissions are compliant with Republic Act No. 8749 and other relevant laws, rules, and regulations,
 - 3. Transport, storage, and pre-processing of WTE feedstock,
 - 4. Pre-operation, siting, design, operation, and maintenance of WTE facilities,
 - 5. Quality control and operational control of WTE facilities,
 - 6. Management of residue from WTE facilities, if any;

7. Pollution abatement, emissions monitoring, environmental monitoring, and public health and safety monitoring in relation to WTE facilities,
 8. Decommissioning, closure, and abandonment of WTE facilities, and
 9. Other guidelines pursuant to relevant laws, rules, and regulations, and
- ii. Minimum standards, criteria, and guidelines, in determining a fair, equitable, and reasonable processing fee for WTE facilities taking into consideration, among others, the cost of construction, operation, and maintenance of the facility as well as the potential revenue from the sale of energy output, in consultation with relevant government agencies, experts, and stakeholders;
- d) Consolidate and make available to the public, through its website and any online means, the following:
- i. Current and potential uses of WTE facilities in relation to solid waste management;
 - ii. Inventory of existing WTE facilities;
 - iii. General feedstock characterization;
 - iv. Status and projection of feedstock generation;
 - v. Specific locations of potential feedstock and WTE facilities; and
 - vi. Other relevant Information
- e) Provide policy guidelines to assist LGUs in the development of WTE facilities to include the determination of the potential of WTE facilities In their respective localities;
- f) Ensure LGUs Incorporate a WTE strategy, if feasible, in their respective Local Government Solid Waste Management Plans;
- g) Identify and recommend potential clustering of LGUs for a common WTE facility in accordance with the standards to be set forth in the Implementing Rules and Regulations;
- h) Coordinate with the Provincial, City, and Municipal Solid Waste Management Boards especially for clustered LGUs employing a common WTE facility; and
- i) Perform all other acts that are analogous to the foregoing, which are necessary and incidental to accomplish the policy objectives of this Act.

SEC. 7. Role of the Department of Energy. – In addition to its powers and functions under Republic Act No. 7638, the Department of Energy (DOE) shall:

- a) Issue permits to WTE facilities based on the energy output, and determine the standards, criteria, and requirements applicable for each kind of WTE facility

pursuant to Republic Act No. 7638, Republic Act No. 9136, Republic Act No. 9367, Republic Act No. 9513, and other relevant laws, rules, and regulations;

- b) Include a WTE strategy in the Philippine Energy Plan, taking into consideration the National Solid Waste Management Framework;
- c) Regularly submit to the NSWMC and make available to the public, especially to potential WTE investors, national and local information on the following:
 - i. Current and potential uses of WTE facilities in relation to solid waste management,
 - ii. Inventory of existing WTE facilities, and
 - iii. Other relevant information; and
- d) Perform all other acts that are analogous to the foregoing, which are necessary and incidental to accomplish the policy objectives of this Act.

SEC. 8. Role of the Department of Environment and Natural Resources. – In addition to its powers and functions under Republic Act No. 9003, as amended, and Republic Act No. 8749, the DENR shall:

- a) Include a WTE strategy. If feasible, in the National Solid Waste Management Status Report;
- b) Provide technical and other capacity building assistance and support to LGUs based on the policy guidelines created by the NSWMC pursuant to Section 6(e) of this Act;
- c) Implement and revise, when necessary, together with the DOH, existing guidelines issued pursuant to Republic Act No. 9003, as amended, on waste transport, pre-operation, waste acceptance, waste storage, pre-processing of waste, quality control, operational control, pollution abatement, management of residue, emissions monitoring, environmental monitoring, public health and safety monitoring, decommissioning, closure, and abandonment, among others, taking into account the NSWMC's standards, criteria, and guidelines under Section 6(c) of this Act and other relevant laws, rules, and regulations, and in consultation with relevant stakeholders;
- d) Ensure compliance with Section 8(c) of this Act to Include continuous monitoring and testing of by-products of WTE facilities;
- e) Make available to the public, through its website and any online means, the emissions, effluents and other by-products of WTE facilities;
- f) Investigate, motu proprio or upon complaint, reports of non-compliance of WTE facilities with the provisions of this Act and other relevant laws, rules, and regulations;
- g) Exercise visitorial and enforcement powers to ensure strict compliance of WTE facilities with this Act, Republic Act No. 9003, as amended. Republic Act No. 8749, and other relevant laws, rules, and regulations;
- h) Recommend to the NSWMC policies to address challenges of WTE facilities from a solid waste management perspective; and
- i) Perform all other acts that are analogous to the foregoing, which are necessary and incidental to accomplish the policy objectives of this Act.

SEC. 9. Role of the Department of Health. – In addition to its existing powers and functions, the DOH shall:

- a) Ensure all WTE facilities undergo a Health Impact Assessment, pursuant to Republic Act No. 11223 and Presidential Decree No. 1586, as part of the Environmental Impact Assessment System, to be jointly reviewed and approved by the DOH and DENR prior to construction and operation;
- b) Implement and revise, when necessary, together with DENR, existing guidelines issued pursuant to Republic Act No. 9003, as amended, on waste transport, pre - operation, waste acceptance, waste storage, pre-processing of waste, quality control, operational control, pollution abatement, management of residue, emissions monitoring, environmental monitoring, public health and safety monitoring, decommissioning, closure, and abandonment, among others, taking into account the NSWMCs standards, criteria, and guidelines under Section 6(c) of this Act and other relevant laws, rules, and regulations, and in consultation with relevant stakeholders;
- c) Regularly conduct an analysis of the effects of WTE facilities and disposal sites on public health and submit the same to the NSWMC for consolidation, and DENR for proper action, if applicable;
- d) Undertake research on the public health impact of WTE facilities together with government agencies, the academe, and private stakeholders;
- e) Make available to the public, through its website and any online means, studies and analyses of the effects of WTE facilities and disposal sites on public health; and
- f) Perform all other acts that are analogous to the foregoing, which are necessary and incidental to accomplish the policy objectives of this Act.

SEC. 10. Role of Local Government Units. – In addition to their powers, functions, and responsibilities under Republic Act No. 7160 otherwise known as the Local Government Code of 1991, and Republic Act No. 9003, as amended, LGUs shall:

- a) In the case of a city or municipality and if applicable, be responsible for the hauling of WTE feedstock to a WTE facility;
- b) In the case of a province and if applicable, provide necessary logistical and operational support for the processing of WTE feedstock in a WTE facility;
- c) Include a WTE strategy, if feasible, in their respective Local Government Solid Waste Management Plans;
- d) Comply with the standards, criteria, and guidelines on WTE feedstock and WTE facilities pursuant to Sections 6(c), 8(c), and 9(b) of this Act, if applicable; and
- e) Be authorized to enter into and shall comply with all obligations under the following:
 - i. Clustering arrangements with other LGUs for a common WTE facility, on their own or upon recommendation of the Provincial Solid Waste Management Board or the NSWMC: *Provided, That* the province shall have the power to cluster component cities and municipalities based on the NSWMC approved provincial and local solid waste management plans and the recommendation of the NSWMC pursuant to Section 6(g) of this Act,

- ii. Long term contracts with WTE facilities, on their own or with clustered LGUs, and
- iii. Public private partnerships pursuant to Republic Act No. 6957 otherwise known as An Act Authorizing the Financing, Construction, Operation and Maintenance of Infrastructure Projects by the Private Sector, and For Other Purposes as amended, cooperative undertakings under Section 33 of Republic Act No. 7160, and other contractual arrangements provided for under existing laws, rules, regulations as well as the LGUs' respective charters for the establishment of WTE facilities: *Provided*, That WTE projects submitted to the Investment Coordinating Committee pursuant to Republic Act No. 6957, as amended, shall be acted upon within thirty (30) working days from submission: *Provided further*, That failure to act within the prescribed time frame shall deem such projects approved.

The national government shall provide support to all LGUs towards the effective implementation and the achievement of the policy objectives of this Act; *Provided*, That the provision of support by the national government shall be compliant with the provisions all relevant laws, rules and regulations.

SEC. 11. Role of the Provincial Solid Waste Management Board. – In addition to its powers and functions under Republic Act No. 9003, as amended, the Provincial Solid Waste Management Board shall:

- a) Integrate a WTE strategy, if feasible, in the Provincial Solid Waste Management Plan taking into consideration the Local Government Solid Waste Management Plans of all its component cities and municipalities;
- b) Recommend potential locations for WTE facilities in the Provincial Solid Waste Management Plan;
- c) Identify and recommend, or direct pursuant to Section 10 of this Act, clustering of component cities and municipalities for a common WTE facility, based on the Local Government Solid Waste Management Plans of all its component cities and municipalities;
- d) Provide the necessary logistical and operational support to component cities and municipalities who have the potential to be clustered, have decided to be clustered, or have been directed to be clustered pursuant to Section 10 of this Act, for a common WTE facility;
- e) Coordinate the efforts and oversee the implementation of the clustering of component cities and municipalities for a common WTE facility; and
- f) Coordinate with other Provincial, City, and Municipal Solid Waste Management Boards In identifying possible Inter- and intra- province clustering for a common WTE facility.

SEC. 12. Role of the City or Municipal Solid Waste Management Board. – In addition to Its powers and functions under Republic Act No. 9003, as amended, the City or Municipal Solid Waste Management Board shall integrate a WTE strategy, if feasible, in its Local Government Solid Waste Management Plan, and shall submit a copy thereof to the Provincial Solid Waste Management Board.

SEC. 13. Role of the Public-Private Partnership Center. – The Public-Private Partnership Center shall provide support to all LGUs towards the effective implementation and the achievement of the policy objectives of this Act in accordance with its mandate under existing laws, issuances, rules, and regulations.

SEC. 14. Permits and Licenses. – The procedure for the issuance of permits and licenses for all kinds of WTE facilities shall be governed by Republic Act No. 11234, otherwise known as the Energy Virtual One-Stop Shop Act.

SEC. 15. Prohibited Acts. – The following acts are prohibited:

- a) For LGUs:
 - i. Failure to Include, if feasible, and implement, if applicable, the WTE strategy in their respective Local Government Solid Waste Management Plans, and
 - ii. Failure to perform the responsibilities in Section 10 on the Role of Local Government Units, Section 11 on the Role of the Provincial Solid Waste Management Board, and Section 12 on the Role of the City or Municipal Solid Waste Management Board;
- b) For government agencies, failure to perform the powers and functions indicated under Section 6 on the National Solid Waste Management Commission, Section on the Role of the Department of Energy, Section 8 on the Role of the Department of Environment and Natural Resources, and Section 9 on the Role of the Department of Health; and
- c) For WTE facilities:
 - i. Failure to comply with the responsibilities in Section 5 on Waste-to-Energy and Waste-to-Energy Facility, and
 - ii. Use of imported municipal solid waste as WTE feedstock for a WTE facility.

SEC. 16. 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 15(a):
 - 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 15(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 (P500,000.00) but not more than Two million pesos (P2,000,000.00);
- c) Any person who violates Section 14(c)(i):
 - 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 14(c)(il) shall pay a 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, 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 14, 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.

SEC. 17. Incentives. – WTE facilities, depending on their output, shall be entitled avail of the incentives under 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.

SEC. 18. 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.

SEC. 19. Appropriations. – The amount of Fifteen million pesos (P15,000,000.00) for DOE, Three hundred million pesos (P300,000,000.00) for DENR, Forty-five million pesos (P45,000,000.00) for DOH, and Twenty seven million (P27,000,000.00) for NSWMC for the initial implementation of this Act shall be charged against the current year's appropriations of the DOE, DENR, DOH, and NSWMC respectively. Thereafter, such amounts necessary for the sustainable implementation of this Act shall be included In the Annual General Appropriations Act.

SEC. 20. Congressional Oversight – The Joint Congressional Energy Commission (JCEC), created under Republic Act No. 9136 and renamed under Republic Act 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.

SEC. 21. Implementing Rules and Regulations. – The DOE together with the DENR in consultation with DOH, NSWMC, Department of Interior and Local Government, LGUs, and public and private stakeholders, shall issue the implementing rules and regulations of this Act within ninety (90) calendar days upon its effectivity.

SEC. 22. Separability Clause. – If any portion or provision of this Act is declared unconstitutional, the remainder of this Act or any provisions not affected thereby shall remain in force and effect.

SEC. 23. Repealing Clause. – Any law, presidential decree or issuance, executive order, letter of Instruction, rule or regulation inconsistent with the provisions of this Act Is hereby repealed or amended accordingly.

SEC. 24. Effectivity Clause. – This Act shall take effect fifteen (15) days following its complete publication in the Official Gazette or a newspaper of general circulation.

Approved,