

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

TWENTIETH CONGRESS
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592

House Resolution No. _____



Introduced by
KABATAAN Party-list Rep. RENEE LOUISE M. CO,
Gabriela Women's Party Rep. SARAH JANE I. ELAGO, and
ACT Teachers Party-list Rep. ANTONIO L. TINIO

A RESOLUTION

URGING THE HOUSE OF REPRESENTATIVES TO CONDUCT AN INVESTIGATION, IN AID OF LEGISLATION, INTO THE ANTI-DEMOCRATIC DEMOLITION OF COMMUNITIES IN THE SMOKEY MOUNTAIN AREA OF MANILA CITY AND THE PROPOSED ESTABLISHMENT OF A WASTE-TO-ENERGY FACILITY IN VIOLATION OF EXISTING ENVIRONMENTAL LAWS AND THE RIGHTS OF URBAN POOR RESIDENTS

WHEREAS, in relation to housing and urban poor communities, Article XIII, Section 9 of the 1987 Philippine Constitution mandates that "[t]he State shall, by law, and for the common good, undertake, in cooperation with the public sector, a continuing program of urban land reform and housing which will make available at affordable cost decent housing and basic services to underprivileged and homeless citizens in urban centers and resettlements areas;"

WHEREAS, Article XIII, Section 10 of the Constitution further provides that "[u]rban or rural poor dwellers shall not be evicted nor their dwellings demolished, except in accordance with law and in a just and humane manner. No resettlement of urban or rural dwellers shall be undertaken without adequate consultation with them and the communities where they are to be relocated;"

WHEREAS, in relation to health and the environment, Article II, Section 15 of the Constitution declares that "[t]he State shall protect and promote the right to health of the people and instill health consciousness among them;"

WHEREAS, Article II, Section 16 of the Constitution also 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;”

WHEREAS, Republic Act No. 7279, otherwise known as the “Urban Development and Housing Act of 1992,” guarantees the right of urban poor communities to security of tenure, adequate consultation, just compensation, and in-city relocation in cases of eviction;

WHEREAS, Republic Act No. 8749, otherwise known as the “Philippine Clean Air Act of 1999,” in Section 20, explicitly prohibits the use of incineration for municipal, biomedical, and hazardous waste, stating that “[i]ncineration, hereby defined as the burning of municipal, bio-medical and hazardous wastes, which process emits poisonous and toxic fumes, is hereby prohibited;”

WHEREAS, Republic Act No. 9003, otherwise known as the “Ecological Solid Waste Management Act of 2000,” promotes a systematic approach to waste management which includes reduction, reuse, recycling, and composting, with Section 48 thereof strictly prohibiting incineration;

WHEREAS, through Proclamation No. 39, the Smokey Mountain Development and Reclamation Project (SMDRP) placed the 21-hectare former dumpsite and an adjacent 40-hectare area under the administration of the National Housing Authority (NHA), which entered into a Joint Venture Agreement with R-II Builders, Inc. for the mixed-use development of the area;

WHEREAS, in the face of challenges and shortcomings of the SMDRP, the area has organically transformed from a trash mountain into a resilient community, with a majority of residents engaged in informal waste recycling as collectors, sorters, and junk shop owners, providing essential yet uncompensated environmental services to Manila City;

WHEREAS, other community-sustaining activities have been established by residents, including urban farming, micro-entrepreneurship, and cultural institutions like churches within the informal settlements and nearby low-cost housing tenements;

WHEREAS, in 2017, the Philippine national government entered a \$415.2 million loan agreement with the World Bank (WB) and the Asian Infrastructure Investment Bank (AIIB) for the Metro Manila Flood Management Project Phase 1 (MMFMP1),

which includes components for rehabilitating pumping stations and improving solid waste management, originally encompassing a Waste-to-Energy (WTE) project;

WHEREAS, the loan documents reveal that only 553 households affected by pumping station rehabilitation were accounted for compensation and relocation, while approximately 53,000 individuals to be displaced by the proposed Smokey Mountain WTE facility under Component 2 were disregarded;

WHEREAS, since project implementation began in 2018, affected communities have faced intimidation, reprisals, and forced evictions through various means, including the torching of homes, incremental displacements with only seven-day notices, and a complete absence of meaningful consultation or provision of livable relocation sites;

WHEREAS, in 2024, R-II Builders, Inc. intensified so-called “voluntary exit” programs offering minimal financial assistance, constituting forced eviction and illegal demolition in violation of R.A. 7279 and constitutional guarantees;

WHEREAS, these actions have been accompanied by systematic harassment and intimidation by court receivers, private guards of R-II Builders, and barangay personnel, fostering an atmosphere of fear and insecurity;

WHEREAS, basic services, including water and electricity, have been deliberately severed by barangay authorities, rendering the area uninhabitable and coercing residents to depart;

WHEREAS, fencing has been erected around the community, unlawfully restricting the movement of residents and blocking civil society organizations, religious groups, and foundations from delivering humanitarian assistance;

WHEREAS, these demolitions are being executed to facilitate a proposed Waste-to-Energy (WTE) facility, a project that fundamentally violates R.A. No. 8749 and R.A. No. 9003;

WHEREAS, WTE facilities, despite being deceptively marketed as “clean technology,” emit dangerous pollutants, including dioxins, furans, heavy metals, and ultrafine particulate matter, which cause cancer, respiratory diseases, and other serious health conditions, disproportionately harming children, the elderly, and pregnant women;

WHEREAS, the fly ash and bottom ash produced by WTE facilities contain concentrated toxic substances that pose long-term environmental hazards and require specialized, costly disposal;

WHEREAS, a 2023 feasibility study commissioned by the Metropolitan Manila Development Authority (MMDA) for this WB- and AIIB-funded project conclusively found the WTE project in Smokey Mountain to be unviable due to insufficient environmental and social assessments, alongside prohibitive capital and operational expenditures;

WHEREAS, the Commission on Audit, in its December 2025 report, flagged the MMFMP1 as severely delayed due to procurement issues and unclear accountabilities, noting that its socio-economic benefits have diminished and its resettlement budget has been reduced;

WHEREAS, under pressure to avoid further penalties and a negative credit record, implementing agencies—particularly the MMDA and the Department of Public Works and Highways (DPWH)—are accelerating the project, resulting in escalated, illegal displacements for the WTE facility and its associated material recovery facility;

WHEREAS, even with these issues, the financing for the establishment of the WTE facility has merely continued, with support from local entities such as the BDO Capital & Investment Corporation and Phil. Ecology Systems Corp. (PhilEco), and foreign entities such as the Japanese firm Kanadevia Corporation;

WHEREAS, the Manila Anti-Incinerator Alliance (MAIA), a broad coalition of waste pickers, youth, women, and urban poor residents, has repeatedly petitioned the MMDA, NHA, DPWH, Department of Environment and Natural Resources (DENR), and Department of Human Settlements and Urban Development (DHSUD) to halt all preparations for the illegal WTE facility;

WHEREAS, despite these appeals and the manifest violations of law, demolitions have persisted and project preparations have advanced;

WHEREAS, trees in the area have been marked for clearing, signaling impending environmental destruction to pave the way for the contested project;

WHEREAS, the displacement of thousands of children residing in Smokey Mountain would severely disrupt their education and violate their constitutional right to accessible schooling;

WHEREAS, this situation presents a fundamental contradiction: the very citizens who have sustainably managed the city's waste for decades are being dispossessed, while a polluting technology explicitly banned by Philippine law is being imposed as a solution;

WHEREAS, the affected communities have formally demanded the re-investigation of land ownership, the expropriation and awarding of the land they have developed to long-term residents, or, at minimum, dignified in-city relocation with affordable housing commensurate with their livelihood and income;

WHEREAS, no genuine, prior, and informed consultation has been conducted with the affected communities regarding the WTE project, in blatant violation of their right to participate in decisions affecting their lives and environment;

WHEREAS, there is an urgent and imperative need to investigate the legality of the demolitions, the compliance of the proposed WTE facility with national laws, and the systemic violation of the rights of urban poor residents;

WHEREAS, such an investigation is essential to strengthen the implementation of laws on housing, environmental protection, and solid waste management, and to craft necessary legislation to prevent such injustices in the future;

NOW, THEREFORE, BE IT RESOLVED, AS IT IS HEREBY RESOLVED, that the House of Representatives conduct an investigation, in aid of legislation, into the anti-democratic demolition of communities in the Smokey Mountain area of Manila City and the proposed establishment of a Waste-to-Energy facility in violation of existing environmental laws and the rights of urban poor residents;

BE IT FURTHER RESOLVED, that the investigation shall examine the following:

1. The legality of the demolitions being conducted by R-II Builders, Inc. in Smokey Mountain and the local government's compliance with R.A. 7279 and constitutional provisions on eviction and demolition;
2. The reported harassment, intimidation, and human rights violations committed against residents by court receivers, private guards, and barangay personnel;
3. The deliberate cutting of water and electricity services and the erection of barriers preventing access to the community and assistance from civil society organizations;
4. The development plan and environmental impact assessment process for the WTE facility, if any, and whether it adequately considers the health and safety risks to nearby communities;

5. The adequacy of consultation with affected communities in Smokey Mountain and other areas regarding the WTE facility and related demolitions;
6. The land ownership and tenure situation in Smokey Mountain and the legal basis for the demolitions and displacement of long-term residents;
7. The feasibility and cost-effectiveness of implementing genuine ecological solid waste management programs as an alternative to the WTE facility in terms of co-benefits in job generation, environmental sustainability and public health;
8. The potential for in-city relocation or land tenure security for Smokey Mountain residents, and the provision of adequate housing, livelihood support, and basic services;

BE IT FINALLY RESOLVED, that the appropriate Committee or Committees of the House of Representatives be directed to conduct the investigation and submit recommendations for legislative measures to strengthen the implementation of laws protecting urban poor communities and the environment, to prevent similar violations in the future, and to ensure that solid waste management in the country genuinely uplifts the welfare of the people and their surroundings.


Adopted,



REP. RENEE LOUISE M. CO
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REP. SARAH JANE I. ELAGO
Gabriela Women's Party



REP. ANTONIO L. TINIO
ACT Teachers Party-list