

THIRTEENTH CONGRESS OF THE  
REPUBLIC OF THE PHILIPPINES  
*First Regular Session*

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SENATE

RECEIVED BY: *Calder*

S. No. 719

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INTRODUCED BY HON. MANUEL B. VILLAR, JR.

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**EXPLANATORY NOTE**

The 1987 Constitution provides that, "The 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, and shall protect and promote the right to health of the people, and instill health consciousness among them." In this regard, environmental awareness in the Philippines has increased in the past few years. However, this increasing awareness has not been extended to the dangers posed by medical wastes.

The facts on medical waste are chilling. About forty (40) tons of medical waste are generated everyday in Metro Manila alone. Ninety-two percent (92%) of the sixty-four (64) government and private hospitals surveyed by the Presidential Task Force on Waste Management dispose of their wastes through the city or municipal refuse disposal system. Only 9.4% of the hospitals surveyed incinerate pathological wastes and only 7.8% incinerate infectious waste. Radioactive waste are stored and allowed to decay by most of the hospitals surveyed. Chemical wastes are disposed of into sinks or water closets or through hospital septic tanks and sewer lines.

The danger posed to our people's health and environment by the unregulated management of medical waste is a real and ever present threat. Hospital incinerators can emit more dioxin and other hazardous pollutants than any other type of incinerator because of the type of waste they treat. Landfills, garbage dumps, and open pits attract scavengers, and medical wastes like syringes carelessly dumped therein can prick any of those scavengers. This could easily hasten the spread of the much-dreaded AIDS disease, as well as other communicable diseases.

This bill, hence, seeks to regulate medical wastes by empowering the Secretary of Health to establish acceptable standards for its management and disposal. It likewise strengthens the ability of the Department of Health in dealing with the issue of medical waste management, and impose stiff penalties for the mindless disposal of dangerous medical waste.



MANUEL B. VILLAR, JR.

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**AN ACT PROVIDING FOR THE REGULATION AND DISPOSAL OF MEDICAL  
WASTES, DECLARING CERTAIN ACTS UNLAWFUL, PRESCRIBING PENALTIES  
THERE TO, AND FOR OTHER PURPOSES**

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

SECTION 1. Short Title. - This Act shall be known and referred to as the "Medical Waste Control Act of 2004."

SECTION 2. Declaration of Policy. - It is hereby declared the policy of the State, in accordance with the mandate of the Constitution, to protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature, and to promote the right to health of the people. To this end, the State shall provide for a comprehensive program for the management, collection, and disposal of medical waste.

SECTION 3. Definition of Terms. - For purpose of this Act:

- a. "Department" - shall refer to the Department of Health (DOH);
- b. "Generator" - shall refer to the hospital, clinic or other facility which produces medical waste;
- c. "Medical waste" - shall refer to any solid or liquid waste which is generated in the diagnosis and treatment of human beings or animals, in research pertaining thereto, or in the production or testing of biologicals. The term shall include, but shall not be limited to, each of the following types of waste:

- i. Cultures and stocks of infectious agents and associated biologicals, including cultures from medical and pathological laboratories, cultures and stocks of infectious agents from research and industrial laboratories, wastes from the production of biologicals, discarded live and attenuated vaccines, and culture dishes and devices used to transfer, inoculate, and mix cultures;
- ii. Waste human blood and products of blood, including serum, plasma, and other blood components;
- iii. Sharp objects that have been used in patient care or in medical, research, or industrial laboratories, including hypodermic needles, syringes, pasteur pipettes, broken glass, and scalpel blades;
- iv. Contaminated animal carcasses, body parts, and bedding of animals that were exposed to infectious agents, during research, production of biologicals, or testing of pharmaceuticals;
- v. Wastes from surgery or autopsy that were in contact with infectious agents, including soiled dressings, sponges, drapes, lava tubes, drainage sets, ender pads, and surgical gloves;
- vi. Dialysis wastes that were in contact with the blood of patients undergoing hemodialysis, including contaminated disposable equipment and supplies such as tubing, filters, disposable sheets, towels, gloves, aprons, and laboratory coats;
- vii. Discarded medical equipment and parts that were in contact with infectious agents;
- viii. Laboratory wastes from medical, pathological, pharmaceutical, or other research, commercial or industrial laboratories that were in contact with infectious agents, including slides and cover slips, disposable gloves, laboratory coats, and aprons;

ix. Biological waste and discarded materials contaminated with blood, excretion, exudates or secretion from human beings or animals who are isolated to protect others from communicable diseases;

x. Such other waste material that results from the administration of medical care to a patient by a health care provider and is found by the Department to pose a threat to human health or the environment.

d. "Secretary" - shall refer to the Secretary of Health or his duly authorized representatives.

SECTION 4. Lead Agency. - The Department shall be responsible for the implementation and enforcement of the provisions of this Act. To his end, the Department, through the Secretary, shall have the following powers and functions:

a. Formulate and develop a comprehensive program for the management, collection and disposal of medical waste which all local government units have to comply with. The program shall include the establishment of standards regulating the generation and disposal of medical waste which, in the judgment of the Secretary, are necessary to protect public health and welfare. In formulating the program, the Secretary shall give emphasis to environmentally-sound, ecologically-safe, and cost-efficient methods;

b. Establish regional medical waste treatment and disposal facilities or if it is more practicable, to develop a network of shared medical waste treatment facilities and gradually phase-out unsafe on-site disposal facilities in hospital grounds;

c. Conduct a comprehensive Medical Waste Management (MWM) study of all hospitals nationwide to properly appraise actual needs and problems, and to determine specific areas for improvement or technical assistance.

d. Develop a waste audit or assessment protocol for hospitals and other health facilities;

e. Require the implementation of an approved MWM program as a condition for licensing of hospitals and other health facilities. For this purpose, the Department's hospital performance evaluation system shall include an assessment of the MWM program;

f. Formulate, revise, and from time to time update, a Manual on Medical Waste Management and distribute copies to all government and private hospitals, clinics, laboratories, research offices, pharmacies, funeral parlors and other institutions;

g. Monitor the disposal and transport of medical wastes;

h. Exercise visitorial and enforcement powers to ensure strict compliance with this Act;

i. Issue rules and regulations to effectively implement the provisions of this Act; and

j. Perform such other powers and functions necessary to achieve the objectives of this Act.

SECTION 5. Role of Local Government Units. - All local government units shall, pursuant to national policies, the relevant provisions of the Local Government Code and subject to the review of the Department, shall play a complementary role in the enforcement of the provisions of this Act. The local government units shall design and submit to the Department their own MWM plans that impose limitations or criteria on existing or potential generators within their jurisdictional boundaries.

If the Department finds the local government unit procedures adequate, it shall recommend implementation of the plan: Provided, That the Department shall maintain its authority to independently inspect the enforcement procedure adopted: Provided, further, That the Department shall have the power to take over all or parts of a local government program if the local government unit concerned lacks the capability to carry out their plans, or if it fails to meet or fairly enforce the standards set by the Department.

SECTION 6. Visitorial Powers of the Secretary or his Duly Authorized Representatives. - The Secretary or his duly authorized representative shall have access to, and the right to copy therefrom, the records required to be maintained pursuant to the provisions of this Act. The

Secretary or his duly authorized representative shall likewise have the right to enter the premises of any medical waste generator, transporter, incinerator or such other disposal facility at any time of the day or night to question any employee or investigate any fact, condition or matter which may be necessary to determine any violation or which may aid in the effective enforcement of this Act and its implementing rules and regulations.

SECTION 7. Enforcement Powers of the Secretary. - The Secretary or his duly authorized representative shall have the power to order and administer, after due notice and hearing, compliance with the provisions of this Act and the implementing rules and regulations issued pursuant thereto. The Secretary may likewise order the suspension of operation of any generator when non-compliance with this Act or its implementing rules and regulations poses grave and imminent danger to the health and safety of the public Within twenty-four (24) hours from the order of suspension; a hearing shall be conducted to determine whether the order suspending the operations of the generator shall be lifted or made permanent.

SECTION 8. Monitoring the Transport of Medical Waste. - The comprehensive program of the Department shall provide for the close monitoring of the transport of medical waste from the generator to the disposal facility, including a mechanism which shall provide the generator with assurance that the waste is actually received by said disposal facility: Provided, That the medical waste generated should be source-separated and contained in appropriately labeled containers to ensure protection from exposure to waste handlers and the public.

SECTION 9. Relationship with other Government Agencies and Non-Government Organizations. - In the implementation of this Act, the Secretary may, as the need arises, call on any government agency for assistance in the form of beefing up of personnel, facilities, and other resources. The Secretary may likewise deputize any law-enforcement officer to render assistance in the enforcement of its directives or orders.

The Secretary may also enjoin non-governmental organizations (NGOs), academic institutions, and other private groups to actively participate in the implementation of this Act.

SECTION 10. Injunction Prohibited. - No court other than the Court of Appeals or the Supreme Court shall issue any temporary or permanent injunction or restraining order or otherwise assume jurisdiction over any case involving the enforcement orders issued by the Secretary in accordance with this Act.

SECTION 11. Prohibited Acts. - The following acts and omissions shall be considered unlawful:

a. Any person who knowingly violates the requirements or regulations issued pursuant to this Act;

b. Any person who knowingly omits material information or makes any false material statement or representation in any record, report, or other document filed, maintained, or used for purposes of compliance with this Act or the implementing rules and regulations issued pursuant thereto;

c. Any person who knowingly generates, stores, transports, disposes of, or otherwise handles any medical waste in violation of the provisions of this Act and its implementing rules and regulations;

d. Any person who knowingly destroys, alters, conceals, or fails to file any record, report, or other document required to be maintained or filed for purposes to compliance with this Act or the rules and regulations issued pursuant thereto;

e. Any person who obstructs, impedes, delays or otherwise renders ineffective the orders of the Secretary or his duly authorized representatives issued pursuant to the authority granted under this Act.

SECTION 12. Penalty. - Any person who violates the provisions of this Act, or its implementing rules and regulations, shall, upon conviction, be punished with a fine a of not less than Two Hundred Thousand Pesos (P200,000.00) but not more than Five Hundred Thousand

Pesos (P500,000.00) or imprisonment of not less than six (6) years but of more than ten (10) years, or both, at the discretion of the Court.

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

If the offender is an alien, he shall, after service of the sentence prescribed above be deported without further administrative proceedings.

SECTION 13. Damages. - Any person who violates any of these provision or fails to comply with the provisions of this law or its implementing rules and regulations, or any order or decision of the Secretary or his duly authorized representative promulgated pursuant to this Act, thereby causing any harm, injury, illness or death to any person, or damage to property shall, in addition to the penalties herein provided, be liable to pay the Government or the person adversely affected actual or compensatory damages.

SECTION 14. This Act shall take effect upon its approval.

Approved.