

EIGHTEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES
First Regular Session

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Senate
Office of the Secretary

SENATE

S. No. 1011

'19 SEP -4 P2:37

RECEIVED BY _____

Introduced by Senator Francis "Tol" N. Tolentino

AN ACT

**AMENDING REBULIC ACT NO. 7160, OTHERWISE KNOWN AS THE LOCAL
GOVERNMENT CODE OF 1991, FOR THE PURPOSE OF ENHANCING THE
POWER OF LOCAL GOVERNMENT UNITS IN WASTE MANAGEMENT AND FOR
OTHER PURPOSES**

EXPLANATORY NOTE

The Local Government Code of 1991 states that:

"The State shall provide for a more responsive and accountable local government structure instituted through a system of decentralization whereby local government units shall be given more powers, authority, responsibilities, and resources."

Decentralization broadens the base of government power and produces a highly responsive and tailor-fit approach, which makes LGUs more effective partners of the national government in the pursuit of development and social progress. Among these goals for development and progress are the proper management of waste and the availability of electricity in every local government unit.

This goal was actually one of President Rodrigo Duterte's priority legislative measures during his State of the Nation Address (SONA) in 2016¹, wherein he

¹ President Rodrigo Roa Duterte, State of the Nation Address, Delivered at the Batasang Pambansa Complex, Quezon City on July 25, 2016

expressed his desire for Congress to pass waste to energy legislative measures as a solution to our waste management problem.

At present, around eighty percent (80%) to ninety percent (90%) of the capacity of the constructed sanitary landfills in the country have been utilized and are projected to be at full capacity within the next five (5) years. In addition to this looming incapacity are the environmental and health risks our existing landfills pose. In a study done by the Japan International Cooperation Agency in Davao, the significant amount of landfilled organic wastes is generating methane gas due to anaerobic decomposition. Further, sanitary conditions continue to degrade due to bad odor and insects that are generated in the open-dumping areas. Lastly, although leachate treatment facilities are installed to process possible hazardous water from landfills, there is the risk that untreated leachate is contaminating the surrounding areas. According to the United Nations Environment Program, open and unsanitary landfills contribute to contamination of drinking water and can cause infection and transmit diseases. The dispersal of debris pollutes ecosystems and dangerous substances from electronic waste or industrial garbage puts a strain on the health of urban dwellers and the environment. We cannot continue to put the health of our citizens at risk.

In the energy sector, rotational brownouts are being implemented by electric suppliers in some areas of the country. During the dry season, the production of energy supply drastically drops since we rely on several hydroelectric power plants. The price of electricity is also increasing due to the shortage of supply and the increasing demand, coupled with the rising prices of petroleum products in the world market which is the primary raw material for the operation of our fossil fuel power plants.

The United Nations Sustainable Development Goal No. 11 aims to make cities and human settlements inclusive, safe, resilient and sustainable and included in this goal is goal No. 11.6 that aims reduce the adverse per capita environmental impact of cities, including by paying special attention to air quality and municipal and other waste management. Also, Sustainable Goal No. 12.5 aims to substantially reduce waste generation through prevention, reduction, recycling and reuse. Effective and efficient waste management is a global initiative we must not fall behind in.

Lastly Sustainable Goal No. 7 aims to ensure access to affordable, reliable, sustainable and modern energy for all. As a country that has not yet been able to provide energy to all its inhabitants and has been foreseen to even have increased demand for power in the coming years, this goal has never been more relevant than it is today.

To address both the disposal of solid waste and shortage of energy supply, this bill proposes to allow the use of waste to energy technologies that will satisfy environmental and health standards that are in consonance with standards set by the United Nations and other appropriate international bodies. This is in harmony with the Supreme Court ruling in the case of Metropolitan Manila Development Authority vs. Jancom Environmental Corporation, et al., where it was ruled that the Republic Act No. 8749, or otherwise known as the Clean Air Act of 1999, does not absolutely prohibit incineration as a mode of waste disposal, rather only those burning processes which emit poisonous and toxic fumes are banned. With the technology today, as a number of countries have come to enjoy, clean and environmentally friendly conversion of waste to energy is possible.

Considering the foregoing, the immediate enactment of this SONA Legislative measure is respectfully requested.



FRANCIS "TOL" N. TOLENTINO
Senator



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

1 Section 1. *Short Title.* – This Act shall be known as the "LGU Waste
2 Management Act of 2019."

3 Sec. 2. Section 17 of Republic Act No. 7160, otherwise known as the Local
4 Government Code of 1991 is hereby amended to read as follows:

5
6 "SECTION 17. Basic Services and Facilities.

7 X X X

8 (b) Such basic services and facilities include, but are not limited to, the following:

9 (1) For a Barangay:

10 X X X

11 **(5) FOR A HIGHLY URBANIZED CITY**

12 **(I) ESTABLISHMENT OF ENVIRONMENTALLY SOUND WASTE**
13 **MANAGEMENT SYSTEMS INCLUDING WASTE TO ENERGY**
14 **FACILITIES THAT COVERS REDUCTION, SEGREGATION,**

1 **RECYCLING, RE-USE, DISPOSAL, AND CONVERSION OF WASTE**
2 **INTO USEFUL RESOURCES THROUGH LOANS, GRANTS,**
3 **CAPITAL INVESTMENTS, PARTNERSHIPS, AND JOINT**
4 **VENTURES WITH BOTH PRIVATE AND PUBLIC INSTITUTIONS**
5 **OR ENTITIES, WHETHER DOMESTIC OR INTERNATIONAL**
6 **WITHOUT SOVEREIGN GUARANTY FOR THE**
7 **CONCEPTUALIZATION, ESTABLISHMENT, OPERATION, AND**
8 **MAINTENANCE OF STATE-OF-THE-ART WASTE MANAGEMENT**
9 **FACILITIES.**
10

11 *Sec. 3. Implementing Rules and Regulations.* – The Department of the Interior
12 and Local Government, in coordination with the Department of Environment and
13 Natural Resources, the Department of Energy, and the Department of Science and
14 Technology shall collectively craft, and issue, within sixty (60) days from the date of
15 the effectivity of this Act, the Implementing Rules and Regulations for the effective
16 implementation of this Act.

17 *Sec. 4. Separability Clause.* – If any provision of this Act shall be held
18 unconstitutional or invalid, the other provisions not otherwise affected shall remain in
19 full force and effect.

20 *Sec. 5. Repealing Clause.* – All laws, decrees, executive orders, proclamations
21 and other executive issuances which are inconsistent with or contrary to the provisions
22 of this Act are hereby amended or repealed accordingly.

23 *Sec. 6. Effectivity Clause.* – This Act shall take effect fifteen (15) days following
24 its complete publication in the Official Gazette or in two (2) national newspapers of
25 general circulation.

 Approved,