

**NINETEENTH CONGRESS OF THE )  
REPUBLIC OF THE PHILIPPINES )  
First Regular Session )**



23 JAN 23 P4:31

**SENATE**

RECEIVED BY:

**Senate Bill No. 1746**

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**Introduced by Senator Juan Miguel F. Zubiri**

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

**EXPLANATORY NOTE**

As the country develops, our population increases and more improvements are made in our way of life, the volume of waste that we create increases too. The Environment and Management Bureau (EMB) projects that from 2022-2025 the country's generated waste will reach 92 million tons in total. Unfortunately, our solid waste disposal system is yet to keep up with the continuously increasing amount of household and domestic wastes that we produce.

This bill seeks to help address our solid waste management problems by encouraging the development of environmentally sustainable innovations in the recovery, conservation, processing, treatment, and disposal of solid waste by using waste-to-energy (WTE) technologies. Waste to energy uses various technologies to convert non-recyclable waste materials into usable heat, electricity or fuel through a variety of processes. This way, not only would we be able to prevent our landfills from being filled up, but we can actually harness usable energy from non-recyclable waste.

Under this proposed measure, waste-to-energy will be classified as another renewable energy resource. Waste to energy facilities will serve as a solid waste management facility and an energy production facility.

The protection of our environment is an important consideration, so safeguards are provided in the proposed measure to make sure that this innovation will not be at the cost of health or environment safety.

Innovative solutions to prevailing problems in solid waste management like the use of waste-to-energy technologies can be effective not only in the proper disposal of the tons of household and domestic waste produced by the country every day, but can also aid in addressing the energy problems of the country by serving as another renewable energy source. It can also address the problem of limited land in many local government units, particularly in our island provinces or municipalities which makes it difficult for them to provide for appropriate sanitary landfills.

In view of the foregoing, approval of this measure is earnestly sought.




**JUAN MIGUEL F. ZUBIRI**

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**TECHNOLOGIES**

*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 referred to as the “Waste-to-Energy  
2 Act”.

3  
4       **Sec. 2. *Declaration of Policy.*** – It is hereby declared the policy of the State to:

- 5       (a) Ensure protection of the public’s health and the environment through a  
6       systematic and comprehensive ecological solid waste management program;
- 7       (b) Strengthen its commitment to solid waste avoidance and volume reduction by  
8       supplementing the latter with other solid waste management treatment  
9       technologies to include waste-to-energy;
- 10       (c) Encourage the development and utilization of environmentally sustainable new  
11       and alternative technologies in resource recovery, resource conservation,  
12       processing, treatment, and disposal of solid waste, such as waste-to-energy  
13       facilities;
- 14       (d) Support the utilization of waste-to-energy facilities in order to attain sustainable  
15       energy and energy security;
- 16       (e) Strengthen the integration of solid waste management, waste-to-energy  
17       promotion, and environmental protection towards healthful cities amidst  
18       economic growth and development; and

- 1 (f) Promote collaboration, cooperation, and participation of various sectors in  
2 coordinated approaches to solid waste management and waste treatment  
3 technology towards national development and jobs creation.  
4

5 **Sec. 3. *Scope and Application.*** – This Act shall apply to all local government  
6 units and waste-to-energy facilities.  
7

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

- 10 (a) *Agricultural waste* refers to waste generated from planting or harvesting of crops,  
11 trimming or pruning of plants, and wastes or run-off materials from farms or  
12 fields;
- 13 (b) *Biomedical waste or hazardous healthcare waste* refers to waste from healthcare  
14 facilities that may pose a variety of environmental and health risks. It can be  
15 further classified into sharps waste, infectious waste, pathological and anatomical  
16 waste, pharmaceutical waste, genotoxic waste, chemical waste, radioactive  
17 waste, and pressurized containers as defined by the Department of Health  
18 (DOH);
- 19 (c) *City or Municipal Solid Waste Management Board* refers to the entity established  
20 by each city or municipality pursuant to Section 12 of Republic Act No. 9003,  
21 otherwise known as the Ecological Solid Waste Management Act of 2000;
- 22 (d) *Chemical and industrial waste* refers to discarded solid, liquid, or gaseous  
23 chemicals from laboratories, industrial establishments, or other sources such as  
24 diagnostic and experimental work, environmental work, cleaning, housekeeping,  
25 and disinfecting procedures;
- 26 (e) *Clustering* is a strategy of pooling available resources of local government units  
27 (LGUs) for the establishment of a common solid waste management treatment  
28 facility or service;
- 29 (f) *Collection* refers to the act of removing solid waste from the source or from a  
30 communal storage point;
- 31 (g) *Disposal* refers to the deposit, or placing of any solid waste into an approved  
32 disposal site pursuant to Republic Act No. 9003;
- 33 (h) *Disposal site* refers to a facility where solid waste is finally deposited and placed  
34 pursuant to Republic Act No. 9003;
- 35 (i) *Emission* means any air contaminant, pollutant, gas stream, or unwanted sound  
36 from a known source which is passed into the atmosphere;

- 1 (j) *Hazardous waste* refers to substances that are without any safe commercial,  
2 industrial, agricultural, or economic usage and are shipped, transported, or  
3 brought from the country of origin for dumping or disposal into or in transit  
4 through any part of the Philippines. It shall also refer to by-products, side-  
5 products, process residues, spent reaction media, contaminated plant or  
6 equipment, or other substances from manufacturing operations and as a  
7 customer discards of manufactured products, or a combination of solid waste  
8 which, because of its quantity, concentration, physical, chemical, or infectious  
9 characteristics, may:
- 10 (i) Cause or significantly contribute to an increase in mortality or an increase in  
11 a serious irreversible or incapacitating reversible illness, or  
12 (ii) Pose a substantial present or potential hazard to human health or the  
13 environment when improperly treated, stored, transported, or disposed of, or  
14 otherwise managed;
- 15 (k) *Incineration in a WTE facility* refers to a waste treatment and resource recovery  
16 technology that involves the controlled combustion of waste materials for the  
17 purpose of recovering energy from it, and whose emissions and effluents are  
18 compliant with the guidelines pursuant to this Act and other relevant laws, rules,  
19 and regulations;
- 20 (l) *Local Government Solid Waste Management Plan* refers to the ten (10) year solid  
21 waste management plan, consistent with the National Solid Waste Management  
22 Framework, prepared by the LGUs pursuant to Section 16 of Republic Act No.  
23 9003;
- 24 (m) *Municipal waste* refers to waste produced from activities within LGUs which  
25 include a combination of domestic, commercial, institutional, and industrial  
26 wastes and street litters pursuant to Republic Act No. 9003;
- 27 (n) *National Solid Waste Management Commission (NSWMC)* refers to the body  
28 created and primarily tasked with overseeing the implementation of solid waste  
29 management plans and prescribing policies to achieve the objectives of Republic  
30 Act No. 9003;
- 31 (o) *National Solid Waste Management Framework* refers to a document prepared by  
32 the NSWMC based on the National Solid Waste Management Status Report  
33 pursuant to Section 15 of Republic Act No. 9003;
- 34 (p) *National Solid Waste Management Status Report* refers to a document prepared  
35 by the Department of Environment and Natural Resources (DENR), which is used

1 as a basis in formulating the National Solid Waste Management Framework  
2 pursuant to Section 14 of Republic Act No. 9003;

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

7 (r) *Processing fee* refers to the amount paid to avail of the services of a waste-to-  
8 energy facility as defined herein;

9 (s) *Provincial Solid Waste Management Board* refers to the entity established by each  
10 province pursuant to Section 11 of Republic Act No. 9003;

11 (t) *Residue* refers to substances that remain after a process in a waste-to-energy  
12 facility such as preparation, separation, purification, evaporation, combustion,  
13 distillation, or filtration;

14 (u) *Resource recovery* refers to the collection, extraction, or recovery of recyclable  
15 materials from the waste stream for the purpose of recycling, generating energy,  
16 or producing a product suitable for beneficial use;

17 (v) *Sanitary landfill* refers to a waste disposal site designed, constructed, operated,  
18 and maintained in a manner that exerts engineering control over significant  
19 potential environment impacts arising from the development and operation of the  
20 facility pursuant to Republic Act No. 9003;

21 (w) *Segregation* refers to a solid waste management practice of separating different  
22 materials found in solid waste in order to promote recycling and re-use of  
23 resources, facilitate waste treatment processes, and to reduce the volume of  
24 waste for collection and disposal pursuant to Republic Act No. 9003;

25 (x) *Solid waste* refers to all discarded household waste, commercial waste, non-  
26 hazardous institutional and industrial waste, street sweepings, construction  
27 debris, agricultural waste, and other non-hazardous or non-toxic solid waste. It  
28 shall not include:

29 (i) Waste identified or listed as hazardous waste of a solid, liquid, contained  
30 gaseous, or semisolid form, which may cause or contribute to an increase  
31 in mortality or in serious or incapacitating reversible illness, or acute or  
32 chronic effect on the health of persons and other organisms,

33 (ii) Infectious waste from hospitals such as equipment, instruments, utensils,  
34 and fomites of a disposable nature from patients who are suspected to have  
35 or have been diagnosed as having communicable diseases and must  
36 therefore be isolated as required by public health agencies, laboratory

1 wastes as pathological specimens, and disposable fomites that may harbor  
2 or transmit pathogenic organisms, and surgical operating room pathologic  
3 materials from outpatient areas and emergency rooms, and

4 (iii) Waste resulting from mining activities, including contaminated soil and  
5 debris;

6 (y) *Solid waste management treatment facility* refers to any resource recovery  
7 system or component thereof; any system, program or facility for resource  
8 conservation; or any facility for the collection, source separation, storage,  
9 transportation, transfer, processing, treatment, or disposal of solid waste;

10 (z) *Solid waste management* refers to the discipline associated with the control of  
11 generation, storage, collection, transfer and transport, processing, and disposal  
12 of solid wastes in a manner that is in accord with the best principal of public  
13 health, economics, engineering, conservation, aesthetics, and other  
14 environmental considerations, and that is also responsive to the public attitudes;

15 (aa) *Waste* refers to any material misplaced, unused or rejected by persons as  
16 worthless or unwanted. It includes, among others, agricultural, biomedical,  
17 chemical and industrial, hazardous, municipal, and solid wastes;

18 (bb) *Waste-to-Energy (WTE)* refers to an energy system with a process of converting  
19 WTE feedstock with various technologies, usually the conversion of non-  
20 recyclable waste materials into usable heat, electricity, or fuel through a variety  
21 of processes;

22 (cc) *WTE facility* refers to the facility where the WTE operations are conducted;

23 (dd) *WTE feedstock* refers to the waste materials with calorific-value that are taken in  
24 for WTE processing in a WTE facility;

25 (ee) *Waste generation* refers to the act or process of producing solid waste; and

26 (ff) *WTE strategy* refers to a plan of action with measurable targets for the utilization  
27 of WTE facilities for solid waste management treatment and energy production.

28  
29 **Sec. 5. *Waste-to-Energy and Waste-to-Energy Facility.*** – WTE shall be  
30 classified as another kind of renewable energy resource. A WTE facility shall:

31 (a) Be both a solid waste management treatment facility and an energy production  
32 facility;

33 (b) Comply with establishment and operation guidelines for WTE facilities pursuant  
34 to Sections 6(c), 8(c), and 9(b) of this Act;

35 (c) Ensure the proper management of its residue which should conform to relevant  
36 laws, rules, and regulations and should include making arrangements with a

1 sanitary landfill, or developing its own, prior to its operations, as a disposal site  
2 for any residue generated from its operations in accordance with NSWMC,  
3 DENR, and DOH guidelines issued pursuant to this Act; and

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

15 All waste treatment technologies in a WTE facility shall be allowed including incineration:  
16 *Provided,* that these technologies shall not emit toxic and poisonous fumes into the  
17 environment and shall comply with all the laws mentioned hereof and other relevant laws,  
18 rules, and regulations.

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

25  
26 **Sec. 6. *The National Solid Waste Management Commission.*** – The  
27 Secretary of the Department of Energy shall serve in *ex officio* capacity as member of the  
28 National Solid Waste Management Commission (NSWMC), which shall now have fifteen  
29 (15) members from the government sector. In addition to its powers and functions under  
30 Republic Act No. 9003, the NSWMC shall:

- 31 (a) Include a WTE strategy in the National Solid Waste Management Framework;  
32 (b) Act as the lead agency in ensuring streamlined standards, criteria, and guidelines  
33 for WTE facilities to avoid inconsistent and conflicting issuances;  
34 (c) Regularly determine, review, and publish the following:  
35 (i) Standards, criteria, and guidelines for:



- 1 1. Characterization and composition of solid waste utilized as WTE
- 2 feedstock for WTE facilities to ensure emissions are compliant with
- 3 Republic Act No. 8749 and other relevant laws, rules, and
- 4 regulations,
- 5 2. Transport, storage, and pre-processing of WTE feedstock,
- 6 3. Pre-operation, siting, design, operation, and maintenance of WTE
- 7 facilities,
- 8 4. Quality control and operational control of WTE facilities,
- 9 5. Management of residue from WTE facilities, if any;
- 10 6. Pollution abatement, emissions monitoring, environmental
- 11 monitoring, and public health and safety monitoring in relation to
- 12 WTE facilities,
- 13 7. Decommissioning, closure, and abandonment of WTE facilities, and
- 14 8. Other guidelines pursuant to relevant laws, rules, and regulations,
- 15 and
- 16 (ii) Minimum standards, criteria, and guidelines, in determining a fair,
- 17 equitable, and reasonable processing fee for WTE facilities taking into
- 18 consideration, among others, the cost of construction, operation, and
- 19 maintenance of the facility as well as the potential revenue from the sale of
- 20 energy output, in consultation with relevant government agencies, experts,
- 21 and stakeholders;
- 22 (d) Consolidate and make available to the public, through its website, the following:
- 23 (i) Current and potential uses of WTE facilities in relation to solid waste
- 24 management;
- 25 (ii) Inventory of existing WTE facilities;
- 26 (iii) General feedstock characterization;
- 27 (iv) Status and projection of feedstock generation;
- 28 (v) Specific locations of potential feedstock and WTE facilities; and
- 29 (vi) Other relevant information;
- 30 (e) Provide policy guidelines to assist LGUs in the development of WTE facilities to
- 31 include the determination of the potential of WTE facilities in their respective
- 32 localities;
- 33 (f) Ensure LGUs incorporate a WTE strategy, if feasible, in their respective Local
- 34 Government Solid Waste Management Plans;
- 35 (g) Identify and recommend potential clustering of LGUs for a common WTE facility;

- 1 (h) Coordinate with the Provincial, City, and Municipal Solid Waste Management  
2 Boards especially for clustered LGUs employing a common WTE facility; and  
3 (i) Perform all other acts that are analogous to the foregoing, which are necessary  
4 and incidental to accomplish the policy objectives of this Act.  
5

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

- 8 (a) Issue permits to WTE facilities based on the energy output, and determine the  
9 standards, criteria, and requirements applicable for each kind of WTE facility  
10 pursuant to Republic Act No. 7638, Republic Act No. 9136, Republic Act No. 9367,  
11 Republic Act No. 9513, and other relevant laws, rules, and regulations;  
12 (b) Include a WTE strategy in the Philippine Energy Plan, taking into consideration the  
13 National Solid Waste Management Framework;  
14 (c) Regularly submit to the NSWMC and make available to the public, especially to  
15 potential WTE investors, national and local information on the following:  
16 (i) Current and potential uses of WTE facilities in relation to solid waste  
17 management,  
18 (ii) Inventory of existing WTE facilities, and  
19 (iii) Other relevant information; and  
20 (d) Perform all other acts that are analogous to the foregoing, which are necessary  
21 and incidental to accomplish the policy objectives of this Act.  
22

23 **Sec. 8. Role of the Department of Environment and Natural Resources.** –  
24 In addition to its powers and functions under Republic Act No. 9003 and Republic Act No.  
25 8749, the DENR shall:

- 26 (a) Include a WTE strategy, if feasible, in the National Solid Waste Management Status  
27 Report;  
28 (b) Provide technical and other capacity building assistance and support to LGUs based  
29 on the policy guidelines created by the NSWMC pursuant to Section 6(e) of this  
30 Act;  
31 (c) Implement and revise, when necessary, together with the DOH, existing guidelines  
32 issued pursuant to Republic Act No. 9003 on waste transport, pre-operation, waste  
33 acceptance, waste storage, pre-processing of waste, quality control, operational  
34 control, pollution abatement, management of residue, emissions monitoring,  
35 environmental monitoring, public health and safety monitoring, decommissioning,  
36 closure, and abandonment, among others, taking into account the NSWMC's

- 1 standards, criteria, and guidelines under Section 6(c) of this Act and other relevant  
2 laws, rules, and regulations, and in consultation with relevant stakeholders;
- 3 (d) Ensure compliance with Section 8(c) of this Act to include continuous monitoring  
4 and testing of by-products of WTE facilities;
- 5 (e) Make available to the public, through its website, the emissions, effluents and other  
6 by-products of WTE facilities;
- 7 (f) Investigate, motu proprio or upon complaint, reports of non-compliance of WTE  
8 facilities with the provisions of this Act and other relevant laws, rules, and  
9 regulations;
- 10 (g) Exercise visitorial and enforcement powers to ensure strict compliance of WTE  
11 facilities with this Act, Republic Act No. 9003, Republic Act No. 8749, and other  
12 relevant laws, rules, and regulations;
- 13 (h) Recommend to the NSWMC policies to address challenges of WTE facilities from a  
14 solid waste management perspective; and
- 15 (i) Perform all other acts that are analogous to the foregoing, which are necessary  
16 and incidental to accomplish the policy objectives of this Act.

17  
18 **Sec. 9. Role of the Department of Health.** – In addition to its existing powers and  
19 functions, the DOH shall:

- 20 (a) Ensure all WTE facilities undergo a Health Impact Assessment, pursuant to  
21 Republic Act No. 11223 and Presidential Decree No. 1586, as part of the  
22 Environmental Impact Assessment System, to be jointly reviewed and approved by  
23 the DOH and DENR prior to construction and operation;
- 24 (b) Implement and revise, when necessary, together with DENR, existing guidelines  
25 issued pursuant to Republic Act No. 9003 on waste transport, pre-operation, waste  
26 acceptance, waste storage, pre-processing of waste, quality control, operational  
27 control, pollution abatement, management of residue, emissions monitoring,  
28 environmental monitoring, public health and safety monitoring, decommissioning,  
29 closure, and abandonment, among others, taking into account the NSWMC's  
30 standards, criteria, and guidelines under Section 6(c) of this Act and other relevant  
31 laws, rules, and regulations, and in consultation with relevant stakeholders;
- 32 (c) Regularly conduct an analysis of the effects of WTE facilities and disposal sites on  
33 public health and submit the same to the NSWMC for consolidation, and DENR for  
34 proper action, if applicable;
- 35 (d) Undertake research on the public health impact of WTE facilities together with  
36 government agencies, the academe, and private stakeholders;

- 1 (e) Make available to the public, through its website, studies and analyses of the  
2 effects of WTE facilities and disposal sites on public health; and  
3 (f) Perform all other acts that are analogous to the foregoing, which are necessary  
4 and incidental to accomplish the policy objectives of this Act.

5  
6 **Sec. 10. Role of Local Government Units.** – In addition to their powers, functions,  
7 and responsibilities under Republic Act No. 7160 otherwise known as the Local  
8 Government Code of 1991, and Republic Act No. 9003, LGUs shall:

- 9 (a) In the case of a city or municipality and if applicable, be responsible for the hauling  
10 of WTE feedstock to a WTE facility;  
11 (b) In the case of a province and if applicable, provide necessary logistical and  
12 operational support for the processing of WTE feedstock in a WTE facility;  
13 (c) Include a WTE strategy, if feasible, in their respective Local Government Solid  
14 Waste Management Plans;  
15 (d) Comply with the standards, criteria, and guidelines on WTE feedstock and WTE  
16 facilities pursuant to Sections 6(c), 8(c), and 9(b) of this Act, if applicable; and  
17 (e) Be authorized to enter into and shall comply with all obligations under the  
18 following:  
19 (i) Clustering arrangements with other LGUs for a common WTE facility, on  
20 their own or upon recommendation of the Provincial Solid Waste  
21 Management Board or the NSWMC: *Provided*, That the province shall have  
22 the power to cluster component cities and municipalities based on the  
23 NSWMC approved provincial and local solid waste management plans and  
24 the recommendation of the NSWMC pursuant to Section 6(g) of this Act,  
25 (ii) Long term contracts with WTE facilities, on their own or with clustered LGUs,  
26 and  
27 (iii) Public private partnerships pursuant to Republic Act No. 6957 otherwise  
28 known as An Act Authorizing the Financing, Construction, Operation and  
29 Maintenance of Infrastructure Projects by the Private Sector, and For Other  
30 Purposes as amended, cooperative undertakings under Section 33 of  
31 Republic Act No. 7160, and other contractual arrangements provided for  
32 under existing laws, rules, regulations as well as the LGUs' respective  
33 charters for the establishment of WTE facilities: *Provided*, That WTE  
34 projects submitted to the Investment Coordination Committee pursuant to  
35 Republic Act No. 6957, as amended, shall be acted upon within thirty (30)

1 working days from submission: *Provided further*, That failure to act within  
2 the prescribed time frame shall deem such projects approved.

3 The national government shall provide support to all LGUs towards the effective  
4 implementation and the achievement of the policy objectives of this Act.

5  
6 **Sec. 11. Role of the Provincial Solid Waste Management Board.** – In  
7 addition to its powers and functions under Republic Act No. 9003, the Provincial Solid  
8 Waste Management Board shall:

9 (a) Integrate a WTE strategy, if feasible, in the Provincial Solid Waste Management  
10 Plan taking into consideration the Local Government Solid Waste Management  
11 Plans of all its component cities and municipalities;

12 (b) Recommend potential locations for WTE facilities in the Provincial Solid Waste  
13 Management Plan;

14 (c) Identify and recommend, or direct pursuant to Section 10 of this Act, clustering of  
15 component cities and municipalities for a common WTE facility, based on the Local  
16 Government Solid Waste Management Plans of all its component cities and  
17 municipalities;

18 (d) Provide the necessary logistical and operational support to component cities and  
19 municipalities who have the potential to be clustered, have decided to be clustered,  
20 or have been directed to be clustered pursuant to Section 10 of this Act, for a  
21 common WTE facility;

22 (e) Coordinate the efforts and oversee the implementation of the clustering of  
23 component cities and municipalities for a common WTE facility; and

24 (f) Coordinate with other Provincial, City, and Municipal Solid Waste Management  
25 Boards in identifying possible inter- and intra- province clustering for a common  
26 WTE facility.

27  
28 **Sec. 12. Role of the City or Municipal Solid Waste Management Board.** –  
29 In addition to its powers and functions under Republic Act No. 9003, the City or Municipal  
30 Solid Waste Management Board shall integrate a WTE strategy, if feasible, in its Local  
31 Government Solid Waste Management Plan, and shall submit a copy thereof to the  
32 Provincial Solid Waste Management Board.

33  
34 **Sec. 13. Permits and Licenses.** – The procedure for the issuance of permits and  
35 licenses for all kinds of WTE facilities shall be governed by Republic Act No. 11234,  
36 otherwise known as the Energy Virtual One-Stop Shop Act.

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**Sec. 14. 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 7 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. 15. 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 and government agencies who violate Section 14(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 LGUs and government agencies who violate Section 14(b) shall be 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,

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

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

6 (d) Any person who violates Section 14(c)(ii) shall pay a fine of One million pesos  
7 (P1,000,000.00) and an amount not less than ten percent (10%) but not more  
8 than fifteen percent (15%) of the net annual income during the previous year,  
9 and shall suffer imprisonment of a minimum period of one (1) year but not to  
10 exceed three (3) years and permanent revocation of the license of the WTE facility.  
11 The same person shall repatriate the imported municipal solid waste to its country  
12 of origin.

13 For Section 14, if the violation is committed by a corporation, partnership, or other  
14 juridical entity duly recognized in accordance with the law, the chief executive officer,  
15 president, general manager, managing partner, or such other officer-in-charge shall be  
16 liable for the commission of the offense penalized under this Act.

17  
18 **Sec. 16. Incentives.** – WTE facilities, depending on their output, shall be entitled  
19 to avail of the incentives under Republic Act No. 9367 otherwise known as the Biofuels  
20 Act of 2006 and Republic Act No. 9513 otherwise known as the Renewable Energy Act of  
21 2008.

22  
23 **Sec. 17. Establishment of Dedicated Offices.** – The DOE, DENR, DOH and  
24 NSWMC shall establish dedicated offices for the effective implementation of this Act. The  
25 organizational structure and staffing complement shall be determined by the Secretaries  
26 of DENR, DOE, and DOH, in consultation with the Department of Budget and  
27 Management, and in accordance with existing civil service rules and regulations. The  
28 budgetary requirements necessary for the establishment of the dedicated offices shall be  
29 taken from the current appropriations of DOE, DENR, DOH and NSWMC. Thereafter, the  
30 funding for the dedicated offices shall be included in the annual General Appropriations  
31 Act.

32  
33 **Sec. 18. Appropriations.** – The amount of Fifteen million pesos  
34 (P15,000,000.00) for DOE, Three hundred million pesos (P300,000,000.00) for DENR,  
35 Forty five million pesos (P45,000,000.00) for DOH, and Twenty seven million  
36 (P27,000,000.00) for NSWMC for the initial implementation of this Act shall be charged

1 against the current year's appropriations of the DOE, DENR, DOH, and NSWMC  
2 respectively. Thereafter, such amounts necessary for the sustainable implementation of  
3 this Act shall be included in the Annual General Appropriations Act.  
4

5 **Sec. 19. Congressional Oversight.** – The Joint Congressional Energy  
6 Commission (JCEC), created under Republic Act No. 9136 and renamed under Republic  
7 Act No. 11285, shall exercise oversight powers over the implementation of this Act. The  
8 Chairpersons of the Committee on Environment and Natural Resources of the Senate and  
9 the House of Representatives shall be automatic members of the JCEC.  
10

11 **Sec. 20. Implementing Rules and Regulations.** – The DOE together with the  
12 DENR, in consultation with DOH, NSWMC, Department of Interior and Local Government,  
13 and public and private stakeholders, shall issue the implementing rules and regulations of  
14 this Act within ninety (90) calendar days upon its effectivity.  
15

16 **Sec. 21. Amendatory Clause.** – All laws, decrees, orders, rules, regulations,  
17 and other issuances inconsistent with the provisions of this Act are hereby deemed  
18 amended and modified accordingly.  
19

20 **Sec. 22. Separability Clause.** – If any portion or provision of this Act is declared  
21 unconstitutional, the remainder of this Act or any provisions not affected thereby shall  
22 remain in force and effect.  
23

24 **Sec. 23. Repealing Clause.** – Any law, presidential decree or issuance, executive  
25 order, letter of instruction, rule or regulation inconsistent with the provisions of this Act is  
26 hereby repealed or modified accordingly.  
27

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

*Approved,*