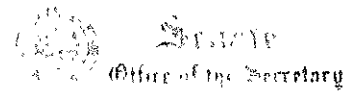


SIXTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
Second Regular Session)



15 FEB -2 P5:35

SENATE
S.B. No. 2612

RECEIVED

Introduced by Senator Ramon Bong Revilla, Jr.

AN ACT STRENGTHENING THE SUSTAINABLE SANITATION PROGRAM OF THE COUNTRY BY REORGANIZING THE SANITATION UNIT OF THE DEPARTMENT OF HEALTH AND PROVIDING FUNDS THEREFOR

EXPLANATORY NOTE

One out of every five Filipino households does not have access to sanitary toilet system. Recent data from United Nation Children's Fund show that 28% of the population is subjected to indignities of having to defecate in the open, in plastic bags or buckets disposed on rivers and garbage bins. This causes undue to our fellow Filipino and hits right at the core of their beings. Sanitation as a human right goes deep and touches on the basic dignity of every person.

The large number of those without access to proper toilet facilities is alarming considering that health and well-being are closely connected to sanitation. The prevalence of sanitation-related disease, such as cholera and amoebiasis, is an indication not only of unhygienic conditions our people are exposed to daily, but of the extent of poverty faced by majority of Filipinos. In fact, diarrhea is one of the leading causes of morbidity in the Philippines.

For many years, vital reforms on the delivery of health and sanitation services have been pushed at back-burned. The small health budget has lead to limit access of health services. Instead of sustained and concrete programs, the health sector resorts to short-term expedient solutions to decades-old health and sanitation concerns. Little importance is given to sanitation despite the passage of the Clean Water Act of 2004 and the rising incidence of water-borne diseases outbreaks. The continued disregard of the importance of sustainable sanitation is also reflected on the high morbidity rate especially of children and pregnant women.

Sustainable sanitation does not end with the availability of a toilet facility inside the house, it extends to complete community-wide sanitation systems designed to properly treat and dispose waste. It involves a comprehensive review and implementation of the national sanitation program taking into consideration the practices and standards applicable to our country.

This bill seeks to promote sustainable sanitation by strengthening and expanding the services of the Sanitation Unit of the Department of Health, and by amending Section 3 and 103 of Presidential Decree 856 also known as the Sanitation Code.

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



RAMON BONG REVILLA, JR.

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

1 **SECTION 1. Short Title.** This Act shall be known as the "National Sustainable
2 Sanitation Act of 2015"

3
4 **SECTION 2. Declaration of Policy.** The state shall pursue a policy on sustainable
5 sanitation to protect public health and human developments as fundamental human
6 rights. As such, it shall be the guided by the following policy statements:

- 7
8 1. Sanitation is both a social and economic good. It is essential for basic health and
9 dignity of the person.
10 2. Sanitation policies, plans and programs must be localized and its management
11 decentralized at the lowest level possible.
12 3. Sanitation is a responsibility of all citizens. Different stakeholders must be
13 involved in promoting good sanitation and hygiene practices.
14 4. Sanitation must be financially sustainable, economically affordable, socially and
15 culturally accepted.
16 5. Good sanitation contributes to environmental sustainability and penalized
17 polluters
18 6. Sanitation services must be responsive and shall include capacity development
19 for consideration of appropriate technologies and financing and management
20 options at various levels.
21 7. Proper resource conservation, re-use, recycle and recovery of sanitation by-
22 products will be considered.
23 8. Access to sanitation should be equitable and sensitive to gender differences.
24 9. Efficient water governance includes sanitation.

1 **SECTION 3. Definition of Terms.** As used in this Act, the following terms shall mean:

- 2
- 3 1. **Ecological Sanitation-** refers to a system that separates urine and feces and
4 provides for the safe recycling of excreta resources (plant nutrients and organic
5 matter) to crop production in such a way that the use of non-renewable resources
6 is minimized.
- 7
- 8 2. **Excreta-** refer to both human feces and urine.
- 9
- 10
- 11 3. **Sanitation-** refers to a wide range of services and arrangements pertaining to
12 the hygienic and proper management of human excreta and community liquid
13 wastes to safeguard the health of individuals and communities. This is usually
14 concerned with preventing diseases by hindering pathogens or disease-causing
15 organisms found in excreta and wastewater from entering the environment and
16 coming into contact with people and communities. This also involves the
17 construction of adequate collection and disposal/reuse facilities and the
18 promotion of proper hygiene behaviour so that facilities are effectively used at all
19 times.
- 20
- 21 4. **Septage-** means the sludge produced on individual onsite wastewater disposal
22 systems, principally septic tanks and cesspools.
- 23
- 24 5. **Sewage-** means water-borne human or animal waste excluding oil or oil wastes
25 removed from residences, building, and institutions, industrial and commercial
26 establishments.
- 27
- 28 6. **Sewerage-** refers to any system or network of pipelines, ditches, channels or
29 conduits including pumping stations, lift sanitations and force mains, service
30 connections including other contractions, devices and appliances appurtenant
31 thereof, which includes the collection, transport, pumping and treatment of
32 sewage to a point of disposal.
- 33
- 34 7. **Sludge-** means any solid, semi-solid or liquid waste or residue generated from a
35 wastewater treatment plant, water supply treatment plant, or water control
36 pollution facility, or any other such water having similar characteristics and
37 effects.
- 38

1 8. **Sustainable Sanitation System-** a system that protects and promotes human
2 health, minimizes environmental degradation and the depletion of the resource
3 base. It is technically and institutionally appropriate, while maintaining social
4 acceptability and economic viability in long term.

5
6 9. **Treatment** – means any method, techniques, or process designed to alter the
7 physical, chemical or biological and radiological character or composition of any
8 waste or wastewater to reduce or prevent pollution.

9
10 10. **Universal Coverage-** one hundred percent (100%) of total households have
11 their own sanitary toilet facilities.

12
13 11. **Zero Open Defecation-** refers to the state of no defecation in open public
14 places. A community is said to have zero open defecation when 100% of its
15 households have their own sanitary toilets.

16
17 **SECTION 4. The Strengthening of the Sanitation Unit.** For purposes of carrying out
18 the declared policy in Section 2, it is hereby established that the present Sanitation Unit,
19 hereinafter called the Unit, under the Department of Health be strengthened through
20 additional support services and appropriates funds as per recommendation of the
21 Department of Health. It shall be an autonomous unit directly under the Office of the
22 Health Secretary.

23
24 The Unit shall be headed by an Administrator who is a sanitation engineer, or equivalent
25 qualification, with at least five (5) years distinguished service and experience in any of
26 the following fields: waterworks, sanitation management, and health. The administrator
27 shall receive compensation, benefits, privileges and other emoluments equivalent to an
28 Undersecretary of the Department Of Health.

29
30 **SECTION 5. Objectives of the Unit. The unit shall have the following objectives:**

- 31
32 1. To establish the policy guidelines for the implementation of sustainable sanitation
33 including regulatory and institutional arrangements;
- 34 2. To promote rapid expansion of sanitation coverage throughout the Philippines in
35 partnership with different stakeholders; and
- 36 3. To set national targets and directions that will guide national and local plans and
37 programs on sustainable sanitation.

1 **SECTION 6. Powers and Functions of the Unit.** The Unit shall oversee the
2 preparation and implementation of local sustainable sanitation management plans and
3 prescribe policies to achieve the objectives of this Act. The unit shall undertake the
4 following activities:

- 5
- 6 1. Prepare and regularly update the National Sustainable Sanitation Management
7 Framework;
- 8 2. Lead inter-agency implementation of the National Sustainable Sanitation
9 Program;
- 10 3. Develop and implement a program to provide technical and other capability
11 building assistance and support to local government units in the development
12 and implementation of local sustainable sanitation plans;
- 13 4. Review and monitor national agency and local government sustainable sanitation
14 plans in accordance with its rules and regulations;
- 15 5. Develop and implement a national pro-poor sanitation program that will target to
16 achieve zero open defecation nationwide and one hundred percent sanitation
17 coverage of all households by 2016;
- 18 6. Establish and manage the Sanitation Program Fund of the DOH;
- 19 7. Monitor and regularly report to the public, through the DOH, the national account
20 for sanitation;
- 21 8. Formulate the necessary education promotion, information campaign and social
22 marketing strategies;
- 23 9. Spearhead the research and development of the knowledge and skills on
24 technology, management and financing options for sustaining sanitation;
- 25 10. Encourage community participation and other partnership modalities in the
26 different areas of sustainable sanitation service delivery chain;
- 27 11. Propose and adopt policy, standards, regulations and guidelines relative to the
28 implementation of this Act and other related laws;
- 29 12. Promote knowledge, standards, skills and proper hygiene behaviour for
30 appropriate and sustainable solutions in school and in emergency situations;
- 31 13. Develop a program for the development, training and professionalization of
32 sanitary inspectors in partnership with their national organization; and
- 33 14. Facilitate the organization, registration and regulation of Sanitation Service
34 providers.
- 35

36 **SECTION 7. Role of the Department of Interior and Local Government.** The
37 Department of Interior and Local Government (DILG) shall formulate its own
38 sustainable sanitation strategy that will ensure that the capacity all of LGUs capacity

1 are enhance. Further, the DILG shall assist in developing and updating the local
2 sustainable sanitation plans, and in the regular inclusion of sustainable sanitation in the
3 LGUs annual investment and development plans. It will also spare head the over-all
4 sector monitoring and assessments and maintenance of a database.

5
6 **SECTION 8. Role of the Department of Public Works and Highways.** The
7 Department of Public Works and Highways (DPWH) shall implement the National
8 Sewerage and Septage Management Plan (NSSMP) for highly urbanizing cities as
9 provided for in the Philippine Clean Water Act of 2004. It shall ensure that the
10 implementation of the NSSMP is in partnership with the LGUs. It will also develop its
11 own sustainable sanitation strategy that will ensure proper installation of adequate and
12 sustainable toilet and hand washing facilities for men, women and disabled persons of
13 the public and employees in all government buildings.

14
15 **SECTION 9. Role of the Housing and Land Use Regulatory Board and its attached**
16 **agencies such as the National Housing Authority and the Housing and Urban**
17 **Development Coordinating Council.** The HLURB, NHA and HUDCC shall develop its
18 own sustainable sanitation plans consistent with this Act that will: a) ensure that
19 appropriate sustainable sanitation systems are adequately provided for in all its housing
20 projects and b) identify their agency targets and budgets for sanitation.

21
22 **SECTION 10. Role of the Local Water Utilities Administration.** The Local Water
23 Utilities Authority (LWUA) shall develop its sustainable sanitation strategy and action
24 plan aimed to assist water utilities (nor limited to water districts) who will implement
25 sustainable sanitation initiatives. It will also ensure that at least five percent (5%) of its
26 total loan products are allocated for sanitation, sewerage and septage management
27 projects. As much as possible, it will also provide access to innovative financing
28 schemes and capacity development of the water districts.

29
30 **SECTION 11. Role of the National Water Resources Board.** The National Water
31 Resources (NWRB), as the main economic regulator of the water sector provided for in
32 the Water Code shall be the economic regulator for sewerage and septage
33 management. The sanitation economic regulatory guidelines shall be developed by the
34 NWRB and it should cover the following tasks:

- 35
36 1. Promotion of operating efficiency and performance indicators;
37 2. Service standard specification and monitoring;
38 3. Ensure asset serviceability over time;

- 1 4. Promotion of water use efficiency;
- 2 5. Safety net regulations; and
- 3 6. Customer service responsiveness.

4
5 In special areas where there is a different economic regulator for the water service
6 provider (such as those regulated by contract), the regulator assumes responsibility
7 for sanitation and sewerage regulation. Their regulatory guidelines should be
8 consistent with the national economic regulatory guidelines for sanitation that will be
9 developed by the NWRB. In such cases, the NWRB shall serve as the appellate
10 body for complaints between the service provider and the consumers.

11
12 **SECTION 12. Role of the Municipality/City Local Government Units.** The local
13 government units (LGUs) are mandated to ensure that basic sanitation services are
14 provided to their constituents. Consistent with the provisions of the local government
15 code, it is hereby mandated that:

- 16 1. Sanitation Unit in each city or municipality be established. The Sanitation Unit will
17 be under the local health departments to be headed by a Sanitation Engineer or
18 its equivalent. This unit shall be composed of the head and a team of sanitary
19 inspectors. This unit shall be responsible for the development and
20 implementation of the local sustainable plans and programs and shall
21 recommend local legislation as deemed necessary.
- 22 2. LGUs shall develop their local sustainable sanitation plans that respond to their
23 local situation and priority needs and furnish the Unit a copy of plan for
24 monitoring and technical assistance.
- 25 3. LGUs shall work with different stakeholders and service providers such as Water
26 Districts, small private entrepreneurs and community-based associations to
27 develop the plan and ensure its implementation and enforcement of the national
28 policies.
- 29 4. LGUs shall develop local policies and ordinances which define its strategies and
30 provide penalties and fines for violations for open defecation and for other
31 unsanitary behaviours that effect public health.
- 32 5. LGUs shall allocate at least 10% of their development funds for implement of
33 sanitation, the amount of which shall be regularly reported and accounted for
34 separately. The sanitary fees levied by the LGUs shall be solely allocated for
35 sanitation related projects.
- 36 6. LGUs shall develop programs and incentive schemes to achieve universal
37 coverage of their total household population having their own sanitary toilet
38 facilities within a reasonable time frame as indicated in their sustainable

1 sanitation plan.

2 7. LGUs shall also ensure the provision, operation and maintenance of adequate
3 sanitary toilet facilities for men and women in public places such as public
4 markets, bus terminals, public parks, public basketball courts/gymnasiums. They
5 shall also ensure adequate operation and maintenance of public school
6 buildings.

7 8. LGUs shall work with communities and households to create demand for
8 sanitation improvement through health and hygiene awareness programs.

9
10 **SECTION 13. Role of Provincial LGUs.** The Provincial LGUs will assist the Municipal
11 and City LGUs by:

- 12
- 13 1. Ensuring compliance with the national policy, norms and standards;
 - 14 2. Developing provincial legislation, norms and standards;
 - 15 3. Monitoring progress of the LGUs in meeting their targets;
 - 16 4. Allocating a portion of their IRA to provide for counterpart support financing to
17 municipal/city LGUs;and
 - 18 5. Providing for the establishment, operation and maintenance of at least one
19 septage treatment facility for the province.
- 20

21 **SECTION 14. Role of the Department of Education.** The Department of Education
22 (DepEd) shall ensure that all schools have adequate number of sustainable sanitary
23 toilet facilities for the students. No school building is considered complete without proper
24 toilet facilities. The DepEd shall immediately address the access gaps by giving priority
25 to schools that maybe used as evacuation centers. All of these information shall be
26 identified in their sustainable sanitation action plan which should indicate their targets,
27 plans and budgets within a given timeframe.

28
29 **SECTION 15. Role of the Inter-Agency Committee on Environmental Health.** The
30 Inter-Agency Committee on Environment Health (IACEH) shall be a high level inter-
31 agency platform to ensure coordination and monitoring of agency performance. They
32 will address emerging bottlenecks that constrain achievement of universal coverage.

33
34 **SECTION 16. Role of the Department of Finance.** The Department of Finance will
35 take responsibility for ensuring equitable and practical funding and financing
36 arrangements that will enable the provincial and municipal LGUs to finance their
37 sanitation plans and programs.

1 **SECTION 17. Role of Civil Society.** Non-government organizations and community-
2 based organizations can include but are not limited to health and hygiene awareness
3 promotion and education; training and capacity development; facilitating community
4 participation; implementing community-based sanitation improvement projects;
5 monitoring plan implantation; and piloting demonstration projects.

6
7 **SECTION 18. Individual Excreta and Sewage Disposal System.** All households and
8 buildings have an excreta and sewage disposal system as approved by the local
9 Sanitation Inspector and provided for in Section 19.

10
11 **SECTION 19. Sewerage and Sewage Treatment System.** All households and
12 buildings shall covered by the system which shall be connected to the sewer.

13
14 **SECTION 20. Approval of the Department.** The approval of the DPWH shall be
15 required in the following matters:

- 16
17 1. The construction of any approved type of individual excreta and sewage disposal
18 system.
19 2. Plans, designs, and specifications of individual excreta and sewage disposal
20 system.
21 3. Plans, designs, and specifications of sewerage and sewage treatment system.
22 4. Methods of disposal of sludge and/or septage from excreta or sewage disposal
23 treatment facilities.

24
25 **SECTION 21. Achieving Universal Sanitation Coverage.** The Unit, in coordination
26 with IACEH and the LGUs, shall spearhead a sustainable sanitation campaign aimed at
27 achieving universal sanitation coverage in the country that will:

- 28
29 1. Raise awareness and cultivate demand for improved sanitation at LGUs level;
30 2. Achieve zero open defecation in all barangays in the country by 2016;
31 3. Ensure that all household will have their own sanitary toilet facility;
32 4. Ensure that LGUs provide a support system for disposing human excreta,
33 household wastewater and refuse which is acceptable to users, safe, hygienic,
34 easily accessible and which does not have an unacceptable impact on the
35 environment; and
36 5. Trigger LGUs to develop their sustainable sanitation plans and programs and
37 allocate resources for its implementation.

1 **SECTION 22. The National Sustainable Sanitation Plan.** The DOH thru the
2 Sanitation Unit shall prepare a five-year (5) National Sustainable Sanitation Plan
3 consistent with the Sustainable Sanitation Framework within one (1) from the approval
4 of this Act.

5
6 **SECTION 23. The Local Sustainable Sanitation Plan.** The Local Government Units
7 shall prepare its respective five-year (5) Sustainable Sanitation Plan consistent with the
8 Sustainable Sanitation Framework within one (1) from the approval of this Act.

9
10 **SECTION 24. Amendatory and Repealing Clause.** The following sections of
11 Presidential Decree 856 also known as "Sanitation Code" is hereby amended to read as
12 follows:

13
14 **Section 3. Functions of the Department of Health.** The Department
15 shall have the following powers and functions:

16 (a) Undertake the promotion and preservation of the health of the
17 people and raise the health standards of individuals and
18 communities throughout the Philippines;

19 XXX

20 **(i) TAKE A LEAD ROLE IN SANITATION GOVERNANCE BY**
21 **PROVIDING TECHNICAL ASSISTANCE, SETTING STANDARDS**
22 **AND POLICY GUIDELINES, AND THE CONDUCT OF**
23 **RESEARCH AND DEVELOPMENT AND MONITORING OF**
24 **PLANS AND PROGRAMS.**

25 **Section 103. Penal Provision**

26 (a) Unless otherwise provided in any chapter or section in this
27 Code, any person who shall violate, disobey, refuse, omit or neglect
28 to comply with any of the rules and regulations promulgated under
29 this Code shall be guilty of misdemeanor and upon conviction shall
30 be punished by imprisonment for a period not exceeding [six
31 months or by a fine of not exceeding one thousand pesos] **FOUR**
32 **(4) YEARS AND A FINE NOT LESS THAN FIFTY THOUSAND**
33 **PESOS (Php50,000.00) AND NOT MORE THAN ONE HUNDRED**

1 **THOUSAND PESOS (Php100,000.00) PER DAY FOR EACH DAY**
2 **OF VIOLATION** depending upon the discretion of the court.

3 (b) Any person who shall interfere with or hinder, or oppose any
4 officer, agent or member of the Department or of the bureaus and
5 offices under it, in the performance of his duty as such under this
6 Code, or shall tear down, mutilate, deface or alter any placard, or
7 notice, affixed to the premises in the enforcement of the Code, shall
8 be guilty of a misdemeanor and punishable upon conviction by
9 imprisonment for a period not exceeding [six months or by a fine of
10 not exceeding one thousand pesos or both] **FOUR (4) YEARS**
11 **AND A FINE NOT LESS THAN FIFTY THOUSAND PESOS**
12 **(Php50,000.00) AND NOT MORE THAN ONE HUNDRED**
13 **THOUSAND PESOS (Php100,000.00) PER DAY FOR EACH DAY**
14 **OF VIOLATION** depending upon the discretion of the Court.

15
16 **SECTION 25 Appropriations.** The Department shall allocate an initial Php60Million for
17 the launching of the NSSP nationwide and jump-start sustainable sanitation in high-risk
18 areas as recommended by the Provincial Health Units in every region. The National
19 Sanitation Unit shall have an allocation of at least Php30 Million thereafter. First, second
20 and third municipalities and cities shall provide funding for the implementation of their
21 local sanitation programs. Fourth and fifth class municipalities shall receive counterpart
22 assistance from DOH, DENR and DPWH for the implementation of their sanitation
23 programs.

24 **SECTION 26. Separability Clause.** If, for any reason, any section or provision of this
25 Act is declared unconstitutional or invalid, such other sections or provisions not affected
26 thereby shall remain in full force and effect.

27 **SECTION 27 Repealing Clause.** Any laws, decrees, or rules and regulations which are
28 inconsistent with or contrary to the provisions of this Act are hereby amended or
29 repealed.

30
31 **SECTION 28. Effectivity Clause.** This Act shall take effect upon its publication in at
32 least two (2) national newspapers of general circulation.

Approved,