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Office of the Secretary

'16 JUL 20 P5:14

SENATE

RECEIVED BY: 

Senate Bill No. 719

Introduced by **SENATOR CYNTHIA A. VILLAR**

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

EXPLANATORY NOTE

One out of every five Filipino households do not have access to sanitary toilet system. Recent data from United Nations 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. The embarrassment of our countrymen compelled to do this due to lack of proper toilet facility 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 diseases, such as cholera and amoebiasis, is an indication not only of unhygienic conditions our people are daily exposed to, but of the extent of poverty faced by the majority of Filipinos. In fact, diarrhea is one of the leading cause of morbidity in the Philippines.

For many years, vital reforms on the delivery of health and sanitation services have been pushed at the back-burner. The small health budget has led to limited 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 Philippine setting.

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 Sections 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.



CYNTHIA A. VILLAR



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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 "National Sustainable
2 Sanitation Act of 2016".

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

- 6 1) Sanitation is both a social and economic good. It is essential for basic
7 health and dignity of the person.
- 8 2) Sanitation policies, plans and programs must be localized and its
9 management decentralized at the lowest level possible.
- 10 3) Sanitation is a responsibility of all citizens. Different stakeholders must
11 be involved in promoting good sanitation and hygiene practices.
- 12 4) Sanitation systems must be financially sustainable, economically
13 affordable, socially and culturally acceptable.
- 14 5) Good sanitation contributes to environmental sustainability and
15 penalizes polluters.

- 1 6) Sanitation services must be responsive and shall include capacity
2 development for consideration of appropriate technologies, financing
3 and management options at various levels.
- 4 7) Proper resource conservation, re-use, recycle and recovery of
5 sanitation by-products will be considered.
- 6 8) Access to sanitation should be equitable and sensitive to gender
7 differences.
- 8
- 9 9) Efficient water governance includes sanitation.

10 Sec. 3. Definition of Terms. As used in this Act, the following terms shall
11 mean:

12 a) *Ecological Sanitation* refers to a system that separates urine and feces and
13 provides for the safe recycling of excreta resources (plant nutrients and organic
14 matter) to crop production in such a way that the use of non-renewable resources is
15 minimized.

16 b) *Excreta* refers to both human feces and urine.

17 c) *Sanitation* refers to a wide range of services and arrangements pertaining
18 to the hygienic and proper management of human excreta and community liquid
19 wastes to safeguard the health of individuals and communities. This is usually
20 concerned with preventing diseases by hindering pathogens or disease-causing
21 organisms found in excreta and wastewater from entering the environment and
22 coming into contact with people and communities. This also involves the construction
23 of adequate collection and disposal/reuse facilities and the promotion of proper
24 hygiene behaviour so that facilities are effectively used at all times.

25 d) *Septage* means the sludge produced on individual onsite wastewater
26 disposal systems, principally septic tanks and cesspools.

27 e) *Sewage* means water-borne human or animal wastes excluding oil or oil
28 wastes removed from residences, buildings, institutions, industrial and commercial
29 establishments.

30 f) *Sewerage* refers to any system or network of pipelines, ditches, channels or
31 conduits including pumping stations, lift stations and force mains, service
32 connections including other constructions, devices and appliances appurtenant
33 thereof, which includes the collection, transport, pumping and treatment of sewage to
34 a point of disposal.

1 g) *Sludge* means any solid, semi-solid or liquid waste or residue generated
2 from a wastewater treatment plant, water supply treatment plant, or water control
3 pollution facility, or any other such waste having similar characteristics and effects.

4 h) *Sustainable sanitation system* refers to a system that protects and
5 promotes human health, minimizes environmental degradation and the depletion of
6 the resource base. It is technically and institutionally appropriate, while maintaining
7 social acceptability and economic viability in the long term.

8 i) *Treatment* means any method, technique, or process designed to alter the
9 physical, chemical or biological and radiological character or composition of any
10 waste or wastewater to reduce or prevent pollution.

11 j) *Universal Coverage* means that one hundred percent (100%) of total
12 households have their own sanitary toilet facilities.

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

16 Sec. 4. *Strengthening the DOH Sanitation Unit.* - For purposes of carrying out
17 the declared policy in Section 2, it is hereby established that the present Sanitation
18 Unit, hereinafter called the Unit, under the Department of Health be strengthened
19 through additional support services and appropriate funds to be recommended by
20 the Department of Health. It shall be an autonomous unit directly under the Office of
21 the Health Secretary.

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

27 Sec. 5. *Objectives of the Unit.* - The Unit shall have the following objectives:

28 1) To establish the policy guidelines for the implementation of sustainable
29 sanitation, including regulatory and institutional arrangements;

30 2) To promote rapid expansion of sanitation coverage throughout the
31 Philippines in partnership with different stakeholders; and

1 3) To set national targets and directions that will guide national and local
2 plans and programs on sustainable sanitation.

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

7 1) Prepare and regularly update the National Sustainable Sanitation
8 Management Framework;

9 2) Lead inter-agency implementation of the National Sustainable
10 Sanitation Program;

11 3) Develop and implement a program to provide technical and other
12 capability building assistance and support to local government units in the
13 development and implementation of local sustainable sanitation plans;

14 4) Review and monitor national agency and local government sustainable
15 sanitation plans in accordance with its rules and regulations;

16 5) Develop and implement a national pro-poor sanitation program that will
17 target to achieve zero open defecation nationwide and one hundred percent
18 sanitation coverage of all households by 2016;

19 6) Establish and manage the Sanitation Program Fund of the DOH;

20 7) Monitor and regularly report to the public, through the DOH, the
21 national account for sanitation;

22 8) Formulate the necessary education promotion, information campaign
23 and social marketing strategies;

24 9) Spearhead the research and development of the knowledge and skills
25 on technology, management and financing options for sustainable sanitation;

26 10) Encourage community participation and other partnership modalities in
27 the different areas of sustainable sanitation service delivery chain;

28 11) Propose and adopt policy, standards, regulations and guidelines
29 relative to the implementation of this Act and other related laws;

30 12) Promote knowledge, standards, skills and proper hygiene behaviour for
31 appropriate and sustainable sanitation solutions in schools and in emergency
32 situations;

1 13) Develop a program for the development, training and
2 professionalization of sanitary inspectors in partnership with their national
3 organization; and

4 14) Facilitate the organization, registration and regulation of Sanitation
5 Service providers.

6 *Sec. 7. Role of the Department of Interior and Local Government.* - The
7 Department of Interior and Local Government (DILG) shall formulate its own
8 sustainable sanitation strategy that will ensure that all LGUs capacity are enhanced
9 and are assisted in developing and updating their local sustainable sanitation plans,
10 and in the regular inclusion of sustainable sanitation in the LGU annual investment
11 and development plans. They will also assist in over-all sector monitoring and
12 assessments and maintenance of a database.

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

21 *Sec. 9. Role of the HLURB, NHA, and HUDCC.* - The HLURB, NHA and
22 HUDCC shall develop its own sustainable sanitation plans consistent with this Act
23 that will:

24
25 a) ensure that appropriate sustainable sanitation systems are adequately
26 provided for in all its housing projects; and
27

28 b) identify their agency targets and budgets for sanitation.

29 *Sec. 10. Role of the Local Water Utilities Administration.* - The Local Water
30 Utilities Authority (LWUA) will develop its sustainable sanitation strategy and action
31 plan aimed to assist water utilities (not limited to water districts) that will implement
32 sustainable sanitation initiatives. It will also ensure at least five percent (5%) of its
33 total loan products are allocated for sanitation, sewerage and septage management
34 projects.

1 **Sec. 11. *Role of the National Water Resources Board.*** - The National Water
2 Resources Board (NWRB), as the main economic regulator of the water sector
3 provided for in the Water Code shall be the economic regulator for sewerage and
4 septage management. The sanitation economic regulatory guidelines shall be
5 developed by the NWRB and it should cover the following tasks:

- 6 1. Promotion of operating efficiency and performance indicators;
- 7 2. Service standard specification and monitoring;
- 8 3. Ensure asset serviceability over time;
- 9 4. Promotion of water use efficiency;
- 10 5. Safety net regulations; and
- 11 6. Customer service responsiveness.

12 In special areas where there is a different economic regulator for the water
13 service provider (such as those regulated by contract), the regulator assumes
14 responsibility for sanitation and sewerage regulation. Their regulatory guidelines
15 should be consistent with the national economic regulatory guidelines for sanitation
16 that will be developed by the NWRB. In such cases, the NWRB shall serve as the
17 appellate body for complaints between the service provider and the consumers.

18 **Sec. 12. *Role of the Municipal/City Local Government Units.*** - The local
19 government units (LGUs) are mandated to ensure that basic sanitation services are
20 provided to their constituents. Consistent with the provisions of the Local
21 Government Code, it is hereby mandated that:

22 1.) Sanitation Unit in each city or municipality be established. The Sanitation
23 Unit will be under the local health department to be headed by a Sanitation Engineer
24 or its equivalent. This unit shall be composed of the head and a team of sanitary
25 inspectors. This unit shall be responsible for the development and implementation of
26 the local sustainable sanitation plans and programs and shall recommend local
27 legislation as deemed necessary.

28 2.) LGUs will develop their local sustainable sanitation plans that respond to
29 their local situation and priority needs and furnish the Unit a copy of the plan for
30 monitoring and technical assistance.

31 3.) They will work with different stakeholders and service providers such as
32 Water Districts, small private entrepreneurs, and community-based associations to
33 develop the plan and ensure its implementation and enforcement of the national
34 policies.

1 4.) They will develop local policies and ordinances which defines its strategies
2 and stipulates penalties and fines for violations for open defecation and for other
3 unsanitary behaviours that affect public health.

4 5.) The LGUs shall allocate at least 10% of their 20% development funds for
5 improvement of sanitation, the amount of which shall be regularly reported and
6 accounted for separately. The sanitary fees levied by the LGUs shall be solely
7 allocated for sanitation related projects.

8 6.) The LGUs will develop programs and incentive schemes to achieve
9 universal coverage of their total household population having their own sanitary toilet
10 facilities within a reasonable time frame as indicated in their sustainable sanitation
11 plan.

12 7.) The LGUs shall also ensure the provision, operation and maintenance of
13 adequate sanitary toilet facilities for men and women in public places such as public
14 markets, bus terminals, public parks, public basketball courts/gymnasiums. They
15 shall also ensure adequate operation and maintenance of public school buildings.

16 8.) The LGUs will work with communities and households to create demand
17 for sanitation improvement through health and hygiene awareness programs.

18 Sec. 13. *Role of Provincial LGUs.* - The Provincial LGUs will assist the
19 Municipal and City LGUs by:

- 20 1) Ensuring compliance with the national policy, norms and standards;
- 21 2) Developing provincial legislation, norms and standards;
- 22 3) Monitoring progress of the LGUs in meeting their targets;
- 23 4) Allocating portion of their IRA to provide for counterpart support
24 financing to municipal/city LGUs; and
- 25 5) Providing for the establishment, operation and maintenance of at least
26 one septage treatment facility for the province.

27 Sec. 14. *Role of the Department of Education.* - The Department of Education
28 (DepEd) shall ensure that all schools have adequate number of sustainable sanitary
29 toilet facilities for the students. No school building is considered complete without
30 proper toilet facilities. The DepEd shall immediately address the access gaps by
31 giving priority to schools that maybe used as evacuation centers. All of these

1 information shall be identified in their sustainable sanitation action plan which should
2 indicate their targets, plans and budgets within a given timeframe.

3 *Sec. 15. Role of the Inter-Agency Committee on Environmental Health.* - The
4 Inter-Agency Committee on Environment Health (IACEH) shall be a high level inter-
5 agency platform to ensure coordination and monitoring of agency performance. They
6 will address emerging bottlenecks that constrain achievement of universal coverage.

7 *Sec. 16. Role of the Department of Finance.* - The Department of Finance will
8 take responsibility for ensuring equitable and practical funding and financing
9 arrangements that will enable the provincial and municipal LGUs to finance their
10 sanitation plans and programs.

11 *Sec. 17. Role of Civil Society.* - Non-government organizations and
12 community-based organizations can include but are not limited to health and hygiene
13 awareness promotion and education; training and capacity development; facilitating
14 community participation; implementing community-based sanitation improvement
15 projects; monitoring plan implementation; and piloting demonstration projects.

16 *Sec. 18. Individual Excreta and Sewage Disposal System.* - All houses and
17 buildings shall have an excreta and sewage disposal system as approved by the
18 local Sanitation Inspector and provided for in Section 19.

19 *Sec. 19. Sewerage and Sewage Treatment System.* - All households and
20 buildings covered by the system shall be connected to the sewer.

21 *Sec. 20. Approval of the Department.* - The approval of the Department shall
22 be required in the following matters:
23

24 1) The construction of any approved type of individual excreta and
25 sewage disposal system.

26 2) Plans, designs, and specifications of individual excreta and sewage
27 disposal system.

28 3) Plans, designs and specifications of sewerage and sewage treatment
29 systems.

- 1 4) Methods of disposal of sludge and/or septage from excreta or sewage
2 disposal treatment facilities.

3
4 **Sec. 21. *Achieving Universal Sanitation Coverage.*** - The Unit, in coordination
5 with IACEH and the LGUs shall spearhead a sustainable sanitation campaign aimed
6 at achieving universal sanitation coverage in the country that will:
7

- 8 1) Raise awareness and cultivate demand for improved sanitation at LGU
9 level;
10 2) Achieve zero open defecation in all barangays in the country by 2016;
11 3) Ensure that all households will have their own sanitary toilet facility;
12 4) Ensure that LGUs provide a support system for disposing human
13 excreta, household wastewater and refuse which is acceptable to
14 users, safe, hygienic, easily accessible and which does not have an
15 unacceptable impact on the environment; and
16 5) Trigger LGUs to develop their sustainable sanitation plans and
17 programs and allocate resources for its implementation.

18 **Sec. 22. *The National Sustainable Sanitation Plan.*** - The DOH thru the
19 Sanitation Unit shall prepare a five-year (5) National Sustainable Sanitation Plan
20 consistent with the Sustainable Sanitation Framework within one (1) year from the
21 approval of this Act.

22 **Sec. 23. *The Local Sustainable Sanitation Plan.*** - The Local Government
23 Units shall prepare its respective five-year (5) Sustainable Sanitation Plans
24 consistent with the Sustainable Sanitation Framework Plan within one (1) year from
25 the approval of this Act.

26 **Sec. 24. *Amendatory and Repealing Clause.*** - The following sections of
27 Presidential Decree 856 also known as "Sanitation Code" is hereby amended to read
28 as follows:

29 **Section 3. *Functions of the Department of Health.*** The Department
30 shall have the following powers and functions:

1 (a) Undertake the promotion and preservation of the health of
2 the people and raise the health standards of individuals and
3 communities throughout the Philippines.

4 XXX

5 (i) TAKE A LEAD ROLE IN SANITATION GOVERNANCE BY
6 PROVIDING TECHNICAL ASSISTANCE, SETTING
7 STANDARDS AND POLICY GUIDELINES, AND THE
8 CONDUCT OF RESEARCH AND DEVELOPMENT AND
9 MONITORING OF PLANS AND PROGRAMS.

10 Sec. 103. Penal Provision

11 (a) Unless otherwise provided in any Chapter or section in this
12 Code, any [person] public official who shall violate, disobey,
13 refuse, omit or neglect to comply with any of the rules and
14 regulations promulgated under this Code shall be guilty of
15 misdemeanor and upon conviction shall be punished by
16 imprisonment for a period not exceeding [six months or by a fine
17 of not exceeding one thousand pesos] FOUR (4) YEARS AND
18 A FINE NOT LESS THAN FIFTY THOUSAND PESOS (Php
19 50,000.00) AND NOT MORE THAN ONE HUNDRED
20 THOUSAND PESOS (Php 100,000.00) PER DAY FOR EACH
21 DAY OF VIOLATION depending upon the discretion of the
22 court.

23 (b) Any person who shall interfere with or hinder, or oppose any
24 officer, agent or member of the Department or of the bureaus
25 and offices under it, in the performance of his duty as such
26 under this Code, or shall tear down, mutilate, deface or alter any
27 placard, or notice, affixed to the premises in the enforcement of
28 the Code, shall be guilty of a misdemeanor and punishable
29 upon conviction by imprisonment for a [six months or by a fine
30 of not exceeding one thousand pesos or both depending upon
31 the discretion of the court] FOUR (4) YEARS AND A FINE NOT
32 LESS THAN FIFTY THOUSAND PESOS (Php 50,000.00) AND
33 NOT MORE THAN ONE HUNDRED THOUSAND PESOS (Php
34 100,000.00) PER DAY FOR EACH DAY OF VIOLATION
35 depending upon the discretion of the court.

36 Sec. 25. *Appropriations.* The Department shall allocate an initial Php 100
37 million for the launching of the Nssp nationwide and jump-start sustainable

1 sanitation in high-risk areas as recommended by the Provincial Health Units in every
2 region. Thereafter, the amount necessary for the full implementation of this program
3 by the National Sanitation Unit of the DOH shall be included in the budget of the
4 latter.

5 The first and second class municipalities and cities shall provide funding for
6 the implementation of their local sanitation programs. Third, fourth and fifth class
7 municipalities shall receive counterpart assistance from DOH, DENR and DPWH for
8 the implementation of their sanitation programs.

9 Sec. 26. *Separability Clause.* - If, for any reason, any section or provision of
10 this Act is declared unconstitutional or invalid, such other Sec.s or provisions not
11 affected thereby shall remain in full force and effect.

12 Sec. 27. *Repealing Clause.* - Any law, presidential decree or issuance,
13 executive order, letter of instruction, administrative order, rule or regulation contrary
14 to or inconsistent with the provision of this Act is hereby repealed, modified or
15 amended accordingly.

16 Sec. 28. *Effectivity.* - This Act shall take effect fifteen (15) days after its
17 publication in at least two (2) national newspapers of general circulation.

18 Approved,