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SENATE

P. S. Res. No 254

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Introduced by **SENATOR LEILA M. DE LIMA**

RESOLUTION
DIRECTING THE APPROPRIATE SENATE COMMITTEE TO CONDUCT
AN INQUIRY, IN AID OF LEGISLATION, ON THE STATUS AND LEVEL
OF COMPLIANCE WITH PRESIDENTIAL DECREE (P.D.) NO. 856,
OTHERWISE KNOWN AS "CODE ON SANITATION OF THE
PHILIPPINES" FOR THE PURPOSE OF DETERMINING THE
CHALLENGES AND ISSUES IN ITS ENFORCEMENT, WITH THE END IN
VIEW OF PROPOSING LEGISLATIONS THAT WOULD FURTHER
STRENGTHEN EXISTING LAWS ON SANITATION AND PROTECT THE
FILIPINO PEOPLE

1 WHEREAS, Section 15, Article II of the Constitution provides that, "[t]he State
2 shall protect and promote the right to health of the people and instill health
3 consciousness among them";

4 WHEREAS, Section 16, Article II of the same states that, "[t]he State shall
5 protect and advance the right of the people to a balanced and healthful ecology in
6 accord with the rhythm and harmony of nature";

7 WHEREAS, Section 13, Article II of the Constitution also provides that, "[t]he
8 State recognizes the role of the youth in nation-building and shall promote and protect
9 their physical, moral, spiritual, intellectual and social well-being";

10 WHEREAS, Presidential Decree (P.D.) No. 856, otherwise known as the "Code
11 on Sanitation of the Philippines", provides that "there arises the need for updating and
12 codifying our scattered sanitary laws to ensure that they are in keeping with modern
13 standards of sanitation and provide a handy reference and guide for their
14 enforcement";

1 WHEREAS, according to a report by the WHO and UNICEF Joint Monitoring
2 Programme for Water Supply, Sanitation and Hygiene (JMP), three in ten health
3 facilities in the country lack access to clean toilets¹;

4 WHEREAS, according to Department of Health (DOH) Secretary Francisco T.
5 Duque III, 84% Filipino households own a mobile phone while only 70% have
6 improved toilet facilities that are not shared with other households.² This shows that
7 around 26%, or approximately 26 million Filipinos, still use unimproved facilities like
8 buckets and open-pit latrines, of which seven million still defecate in the open such as
9 fields, bushes, bodies of water and other open spaces³. This poses grave threat to the
10 safety of every Filipino and taints the quality of drinking water;

11 WHEREAS, a 2015 report by the Environmental Management Bureau of
12 Region III stated that 48% of the pollution in our country is caused by inadequately
13 treated domestic wastewater or sewage. In Metro Manila alone, only 11% of the total
14 population is reported to be directly/indirectly connected to a sewerage system, 85%
15 are served by over two million ill-maintained septic tanks and around 4% of the
16 Manila's population has no toilet⁴;

17 WHEREAS, the number of water shortages in the country in the past years took
18 a toll not only on the water needs of many Filipinos but also greatly affected health
19 facilities in terms of sanitation and proper hospital hygiene. It was reported that major
20 hospitals were forced to reduce the admission of patients to specialty wards, the
21 operating room and emergency room to prevent spread of diseases and to be able to
22 regulate the lack of water supply⁵;

23 WHEREAS, in line with that, the UNICEF stated that 7,000 newborn babies
24 died every day globally in 2017 because of infection as the result of insufficient access
25 to water, sanitation and hygiene. World Health Organization (WHO) Representative

¹ UNICEF. *3 out of 10 health care facilities in the Philippines lack access to clean toilets*. 4 April 2019. Retrieved from <https://www.unicef.org/philippines/press-releases/3-out-10-health-care-facilities-philippines-lack-access-clean-toilets>

² DOH. *DOH: Filipinos should have access to toilets more than cellphones*. 17 November 2017. Retrieved from <https://www.doh.gov.ph/node/11787>

³ Uy, Jocelyn R. *More Filipinos have water but many still lack toilets*. Inquirer.net. 29 January 2016. Retrieved from <https://newsinfo.inquirer.net/759824/more-filipinos-have-water-but-many-still-lack-toilets>

⁴ Claudio, Lormelyn E. Environmental Management Bureau Region 3 Report. Retrieved from https://www.wipo.int/edocs/mdocs/mdocs/en/wipo_ip_mnl_15/wipo_ip_mnl_15_t4.pdf

⁵ *Supra footnote 1*

1 in the Philippines Dr. Gundo Weiler said that “[h]ealth care facilities won’t be able to
2 provide quality care to people if there is no safe water, toilet or handwashing facility.”⁶;

3 WHEREAS, poor sewerage system does not only result to health care problems
4 but also disturbs the country’s economic growth and stability. According to the
5 Department of Interior and Local Government (DILG), the country’s poor sewerage
6 system leads to economic loss of more than ₱78 billion a year. This is backed up by
7 statistics showing that there are nearly 55 deaths per day and around 842,000 deaths
8 each year caused by diseases directly attributed to poor sanitation such as dengue,
9 typhoid fever, and leptospirosis⁷;

10 WHEREAS, it was also concluded that the increase in waterborne diseases
11 outbreaks in the Philippines in the past years could have been minimized if there was
12 improvement in access to sanitation facilities and if such problem had been given full
13 attention⁸;

14 WHEREAS, as of 2016, there are around 3,628 public schools in the country,
15 both elementary and secondary, that have no regular access to safe and clean water⁹;

16 WHEREAS, the 2014 Commission on Audit (COA) report on the Department of
17 Education’s hand washing and sanitation program revealed that the ₱22-million
18 handwashing facilities “were mostly not functional [and] not fully utilized” which, in
19 turn, defeats the program’s very purpose of preventing flus and other infectious
20 diseases¹⁰;

21 WHEREAS, during the start of school year 2019-2020, it was reported that
22 schools were welcomed by the “same old problems” which include lack of classrooms,
23 instructional materials, inefficient school equipment and inadequate rest room

⁶ *Supra* footnote 1

⁷ WHO. *Many at risk of contracting diseases from poorly managed wastewater of 26 million Filipinos*. Retrieved from http://www.wpro.who.int/philippines/mediacentre/features/world_water_day_2017_PHL/en/

⁸ WHO. *Food and waterborne diseases threaten 7 million Filipinos without toilet facilities*. 26 January 2016. Retrieved from <https://www.who.int/philippines/news/detail/26-01-2016-food-and-waterborne-diseases-threaten-7-million-filipinos-without-toilet-facilities>

⁹ Alunan, Michael Makabenta. *Business Mirror*. *Boracay warning: Clean ‘right behind’ or be left behind*. Retrieved from <https://businessmirror.com.ph/boracay-warning-clean-right-behind-or-be-left-behind/>

¹⁰ The Manila Times. *DepEd Sanitation Facilities not functional*. 25 January 2014. Retrieved from <https://www.manilatimes.net/depeds-sanitation-facilities-not-functional/70679/>

87room facilities. It was even reported that few teachers resorted to use the
88dysfunctional comfort rooms as faculty room¹¹;

89 WHEREAS, 2017 COA reports on the implementation of the Code on
90Sanitation (P.D. No. 856) on Region X, particularly in Cagayan de Oro City, revealed
91that the Code has not been strictly enforced in schools and it was further observed
92that there was an apparent lack of accessible water and sanitation facilities in many
93schools, and if there is, it is mostly badly maintained and not well-ventilated¹²;

94 WHEREAS, on August 2018, the Supreme Court affirmed a Court of Appeals’
95ruling which found MWSS, Maynilad and Manila liable for violation of Section 8 of
96the Philippine Clean Water Act;¹³

97 WHEREAS, the said provision requires MWSS and the two concessionaires to
98provide wastewater treatment facilities and to connect sewage lines in all
99establishments, including households, to an available sewerage system within five
100years upon the effectivity of R.A. 9275 on March 6, 2004;¹⁴

101 WHEREAS, the two concessionaires still refuse to abide by the court ruling
102maintaining, on appeal, that the Supreme Court should not pin the responsibility to
103provide centralized sewerage system to water concessionaires as the law operates
104under a framework of “collective responsibility”;¹⁵

105 WHEREAS, a United Nations Report entitled “Progress on Drinking Water,
106Sanitation and Hygiene: 2017 Update and Sustainable Development Goal Baselines”,
107indicated that there are still a lot of schools which lack soap and water for
108handwashing, which in return, puts the health of children at risk¹⁶;

21¹¹ Retrieved from [https://news.mb.com.ph/2019/06/02/same-old-problems-to-welcome-27-2-million-learners-](https://news.mb.com.ph/2019/06/02/same-old-problems-to-welcome-27-2-million-learners-to-school-this-year/)
22to-school-this-year/

23¹² Commission on Audit. Department of Education, Division of Cagayan de Oro. *A Citizen Participatory Audit*.

24Retrieved from [https://www.coa.gov.ph/phocadownloadpap/userupload/citizen-participatory-audit-report/](https://www.coa.gov.ph/phocadownloadpap/userupload/citizen-participatory-audit-report/WASH-Project/WASH_Program_CDO.pdf)
25WASH-Project/WASH_Program_CDO.pdf

26¹³ San Juan, Joel. *Maynilad, Manila Water appeal P2 billion fines imposed by Supreme Court for violating Clean*
27*Water Act*. Business Mirror. 3 October 2019. Retrieved from:

28[https://businessmirror.com.ph/2019/10/03/maynilad-manila-water-appeal-p2-billion-fines-imposed-by-](https://businessmirror.com.ph/2019/10/03/maynilad-manila-water-appeal-p2-billion-fines-imposed-by-supreme-court-for-violating-clean-water-act/)
29supreme-court-for-violating-clean-water-act/

30¹⁴ *Ibid*.

31¹⁵ *Ibid*.

32¹⁶ Imran, Myra. The News. More than 2 billion people lack drinking water at home around world. 15 May 2017.

33Retrieved from [https://www.thenews.com.pk/print/216629-More-than-2-billion-people-lack-drinking-water-](https://www.thenews.com.pk/print/216629-More-than-2-billion-people-lack-drinking-water-at-home-around-world)
34at-home-around-world

1 WHEREAS, according to UNICEF, health problems like intestinal worms,
2 frequent stomach aches and diarrhea are signs of poor sanitation which need to be
3 addressed especially in learning environments like the schools because these diseases
4 reduce the child's capability to "concentrate and learn"¹⁷;

5 WHEREAS, Department of Education (DepEd) Secretary Leonor Briones
6 reiterated the importance of WASH (Water, Sanitation and Hygiene) to the health of
7 children, by stating that "Water, sanitation and hygiene services are needed for all
8 children to thrive. However, in schools where children spend half their day, basic
9 toilets, handwashing facilities and drinking water are not always available"¹⁸;

10 WHEREAS, UNICEF Executive Director Anthony Lake said that, "[s]afe water,
11 effective sanitation and hygiene are critical to the health of every child and every
12 community, and thus are essential to building stronger, healthier, and more equitable
13 societies"¹⁹;

14 WHEREAS, the appalling hygiene and sanitation situations have been a long-
15 standing problem and issue in the country and yet solutions to this still seem
16 farfetched;

17 WHEREAS, such poor hygiene and sanitation facilities, especially in learning
18 environments and health facilities, are detrimental to the lives and health of Filipinos,
19 particularly the youth, and failure of the government to provide one of the basic
20 necessities in life constitutes a grave moral deficiency and reckless disregard for
21 everyone's life and safety;

22 WHEREAS, the ongoing case on the responsibility of the water concessionaires
23 on water waste treatment shows that there is a need to clearly define the
24 responsibilities of all stakeholders in sanitation, lest we all suffer as a result this
25 continuous passing of blame without anyone taking any responsibility;

26 WHEREAS, poor sanitation does not only affect one's health but also poses
27 great disadvantages and consequences on our country's economic development;

¹⁷ *Supra Ibid 2*

¹⁸ Aguilar, Krissy. *Educators focus on water sanitation, hygiene in schools*. Inquirer.net. 11 November 2019. Retrieved from <https://newsinfo.inquirer.net/1188325/educators-focus-on-water-sanitation-hygiene-in-schools>

¹⁹ World Health Organization (WHO). *2.1 billion people lack safe drinking water at home, more than twice as many lack safe sanitation*. 12 July 2017. Retrieved from <http://www.who.int/news-room/detail/12-07-2017-2-1-billion-people-lack-safe-drinking-water-at-home-more-than-twice-as-many-lack-safe-sanitation>

1 WHEREAS, there is an utmost and urgent need to conduct a re-assessment of
2 the implementation and level of compliance regarding P.D. 856 considering that it has
3 been almost 44 years since its implementation on 23 December 1975;

4 NOW THEREFORE, BE IT RESOLVED, as it is hereby Resolved, to direct the
5 appropriate Senate Committee, to conduct an inquiry, in aid of legislation, on the
6 status and level of compliance with Presidential Decree (P.D.) No. 856, otherwise
7 known as the "Code on Sanitation of the Philippines", with the end in view of proposing
8 legislations that would further strengthen existing laws on sanitation and protect the
9 Filipino people.

Adopted,


LEILA M. DE LIMA