


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



'22 AUG -2 A8 :51

SENATE
S. No. 989

RECEIVED BY: 

Introduced by SENATOR RAMON BONG REVILLA, JR.

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

EXPLANATORY NOTE

The country's problem on solid waste remains despite the passage of Republic Act No. 9003 or the "Ecological Solid Waste Management Act". According to the Department of Environment and Natural Resources, "the country's garbage woes are only getting worse, especially in Metro Manila, which generates about 56,000 cubic meters of trash per day."

Meanwhile, the country is also continuously struggling for a stable source of energy. According to the report of the Asian Development Bank, "Philippines: Energy Sector Assessment, Strategy, and Road Map" published in October 2018, "Energy security is also emphasized in the DOE's Philippine Energy Plan (PEP) 2017-2040 which outlines anticipated changes and sets goals for the energy sector by 2040. Energy self-sufficiency is becoming ever more challenging as the country's main domestic natural gas field, the Malampaya field, depletes. Gas from Malampaya is primarily used in domestic power generation, and the Philippines is at a pivotal moment for determining its future energy mix beyond its availability. To attain self-sufficiency and provide for growing energy demand, the DOE has sought to expand fossil fuel production through exploration and development, and to grow the renewable energy sector. In addition, strategies to enhance energy efficiency

and conservation by end users are aimed at reducing the resource availability and energy consumption gap.”

To address both the problem of excessive solid waste and limited power sources, the government is now gearing towards the promotion of waste-to-energy. The DENR issued on November 26, 2019 Administrative Order No. 2019-21, “Guidelines Governing Waste-to-Energy (WtE) Facilities for the Integrated Management of Municipal Solid Wastes to provide guidelines on the evaluation, establishment, operation and de-commissioning of WtE facilities for the integrated management of municipal solid wastes. The said Administrative Order (AO) defines the term “waste-to-energy” or WtE as “the process of converting wastes with various technologies, usually the conversion of non-recyclable waste materials into usable heat, electricity, or fuel through a variety of processes”.

The proposed “Waste-to-Energy Act” seeks to reduce the volume of solid waste through the development and utilization of environmentally sustainable new and alternative technologies in resource recovery, resource conservation, processing, treatment, and disposal of solid waste. At the same time, it aims to support the utilization of waste-to-energy facilities in order to attain sustainable energy and energy security.

This measure was reported out by the Committee on Energy in the 18th Congress.

In view of the foregoing, the immediate passage of this bill is highly recommended.



RAMON BONG REVILLA, JR.

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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 "*Waste-to-Energy Act*
2 *of 2022*".
- 3 Sec. 2. *Declaration of Policy.* – It is hereby declared the policy of the State to:
- 4 (a) ensure protection of the public’s health and the environment through a
5 systematic and comprehensive ecological solid waste management program;
- 6 (b) strengthen its commitment to solid waste avoidance and volume reduction by
7 supplementing the latter with other solid waste management treatment
8 technologies to include waste-to-energy;
- 9 (c) encourage the development and utilization of environmentally-sustainable new
10 and alternative technologies in resource recovery, resource conservation,
11 processing, treatment, and disposal of solid waste, such as waste-to-energy
12 facilities;
- 13 (d) support the utilization of waste-to-energy facilities in order to attain sustainable
14 energy and energy security.

- 1 (e) strengthen the integration of solid waste management, waste-to-energy
2 promotion, and environmental protection towards healthful cities amidst
3 economic growth and development; and,
4 (f) promote collaboration, cooperation, and participation of various sectors in
5 coordinated approaches to solid waste management and waste treatment
6 technology towards national development and jobs creation.

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

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

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

- 1 (g) *Disposal* refers to the deposit, or placing of any solid waste into an approved
2 disposal site pursuant to Republic Act No. 9003;
- 3 (h) *Disposal site* refers to a facility where solid waste is finally deposited and
4 placed pursuant to Republic Act No. 9003;
- 5 (i) *Emission* means any air contaminant, pollutant, gas stream, or unwanted
6 sound from a known source which is passed into the atmosphere;
- 7 (j) *Hazardous waste* refers to substances that are without any safe commercial,
8 industrial, agricultural, or economic usage and are shipped, transported, or
9 brought from the country of origin for dumping or disposal into or in transit
10 through any part of the Philippines. It shall also refer to by-products, side-
11 products, process residues, spent reaction media, contaminated plant or
12 equipment, or other substances from manufacturing operations and as a
13 customer discards of manufactured products, or a combination of solid
14 waste which, because of its quantity, concentration, physical, chemical, or
15 infectious characteristics, may:
- 16 i. cause or significantly contribute to an increase in mortality or an
17 increase in a serious irreversible or incapacitating reversible illness; or,
18 ii. pose a substantial present or potential hazard to human health or the
19 environment when improperly treated, stored, transported, or disposed
20 of, or otherwise managed;
- 21 (k) *Incineration in a WTE facility* refers to a waste treatment and resource
22 recovery technology that involves the controlled combustion of waste
23 materials for the purpose of recovering energy from it, and whose emissions
24 and effluents are compliant with the guidelines pursuant to this Act and
25 other relevant laws, rules, and regulations;
- 26 (l) *Local Government Solid Waste Management Plan* refers to the ten (10) year
27 solid waste management plan, consistent with the National Solid Waste
28 Management Framework, prepared by the LGUs pursuant to Section 16 of
29 Republic Act No. 9003;
- 30 (m) *Municipal waste* refers to waste produced from activities within LGUs which
31 include a combination of domestic, commercial, institutional, and industrial
32 wastes and street litters pursuant to Republic Act No. 9003;

- 1 (n) *National Solid Waste Management Commission (NSWMC)* refers to the body
2 created and primarily tasked with overseeing the implementation of solid
3 waste management plans and prescribing policies to achieve the objectives
4 of Republic Act No. 9003;
- 5 (o) *National Solid Waste Management Framework* refers to a document
6 prepared by the NSWMC based on the National Solid Waste Management
7 Status Report pursuant to Section 15 of Republic Act No. 9003;
- 8 (p) *National Solid Waste Management Status Report* refers to a document
9 prepared by the Department of Environment and Natural Resources
10 (DENR), which is used as a basis in formulating the National Solid Waste
11 Management Framework pursuant to Section 14 of Republic Act No. 9003;
- 12 (q) *Poisonous and toxic fumes* refer to any emissions and fumes which are
13 beyond intentionally accepted standards, including but not limited to the
14 World Health Organization (WHO) are quality guidelines, as provided in
15 Republic Act No. 8749, otherwise known as the Philippine Clean Air Act of
16 1999;
- 17 (r) *Processing fee* refers to the amount paid to avail of the services of a waste-
18 to-energy facility as defined herein;
- 19 (s) *Provincial Solid Waste Management Board* refers to the entity established
20 by each province pursuant to Section 11 of Republic Act No. 9003;
- 21 (t) *Residue* refers to substances that remain after a process in a waste-to-
22 energy facility such as preparation, separation, purification, evaporation,
23 combustion, distillation, or filtration;
- 24 (u) *Resource recovery* refers to the collection, extraction, or recovery of
25 recyclable materials from the waste stream for the purpose of recycling,
26 generating energy, or producing a product suitable for beneficial use;
- 27 (v) *Sanitary landfill* refers to a waste disposal site designed, constructed,
28 operated, and maintained in a manner that exerts engineering control over
29 significant potential environment impacts arising from the development and
30 operation of the facility pursuant to Republic Act No. 9003;
- 31 (w) *Segregation* refers to a solid waste management practice of separating
32 different materials found in solid waste in order to promote recycling and

1 re-use of resources, facilitate waste treatment processes and to reduce the
2 volume of waste for collection and disposal pursuant to Republic Act No.
3 9003;

4 (x) *Solid waste* refers to all discarded household waste, commercial waste, non-
5 hazardous institutional and industrial waste, street sweepings, construction
6 debris, agricultural waste, and other non-hazardous or non-toxic solid
7 waste;

8 i. Waste identified or listed as hazardous waste of a solid, liquid, contained,
9 gaseous, or semisolid form, which may cause or contribute to an
10 increase in mortality or in serious or incapacitating reversible illness, or
11 acute or chronic effect on the health of persons and other organisms;

12 ii. Infectious waste from hospitals such as equipment, instruments,
13 utensils, and fomites of a disposable nature from patients who are
14 suspected to have or have been diagnosed as having communicable
15 diseases and must therefore be isolated as required by public health
16 agencies, laboratory wastes as pathological specimens, and disposable
17 fomites that may harbor or transmit pathogenic organisms, and surgical
18 operating room pathologic materials from outpatient areas and
19 emergency rooms; and,

20 iii. Waste resulting from mining activities, including contaminated soil and
21 debris;

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

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

- 1 (aa) *Waste* refers to any material misplaced, unused or rejected by persons as
2 worthless or unwanted. It includes, among others, agricultural, biomedical,
3 chemical and industrial, hazardous, municipal, and solid wastes;
- 4 (bb) *Waste-to-Energy (WTE)* refers to an energy system with a process of
5 converting WTE feedstock with various technologies, usually the conversion
6 of non-recyclable waste materials into usable heat, electricity, or fuel
7 through a variety of processes;
- 8 (cc) *WTE facility* refers to the facility where the WTE operations are conducted;
- 9 (dd) *WTE feedstock* refers to the waste materials with calorific-value that are
10 taken in for WTE processing in a WTE facility;
- 11 (ee) *Waste generation* refers to the act or process of producing solid waste; and,
- 12 (ff) *WTE strategy* refers to a plan of action with measurable targets for the
13 utilization of WTE facilities for solid waste management treatment and
14 energy production.

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

- 17 (a) Be both a solid waste management treatment facility and an energy production
18 facility;
- 19 (b) Comply with establishment and operation guidelines for WTE facilities pursuant
20 to Sections 6(c), 8(c), and 9(b) of this Act;
- 21 (c) Ensure the proper management of its residue which should conform to relevant
22 laws, rules, and regulations and should include making arrangements with a
23 sanitary landfill, or developing its own, prior to its operations, as a disposal site
24 for any residue generated from its operations in accordance with the NSWMC,
25 DENR, and DOH guidelines issued pursuant to this Act; and,
- 26 (d) Comply with relevant laws, rules, and regulations including, but not limited to,
27 Presidential Decree No. 1586, entitled, "Establishing an Environmental Impact
28 Statement System", Republic Act No. 6969, otherwise known as the "Toxic
29 Substances and Hazardous and Nuclear Waste Act", Republic Act No. 7638,
30 otherwise known as the "Department of Energy Act of 1992" as amended,
31 Republic Act No. 8749, Republic Act No. 9003, Republic Act No. 9136 otherwise
32 known as the "Electric Power Industry Reform Act of 2001", Republic Act No.

1 9275 otherwise known as the "Philippine Clean Water Act of 2004", Republic
2 Act No. 9367 otherwise known as the "Biofuels Act of 2006", Republic Act No.
3 9513 otherwise known as the "Renewable Energy Act of 2008", Republic Act
4 No. 11233 otherwise known as the "Universal Health Care Act", and WHO
5 Guidelines on Air Quality.

6 All waste treatment technologies in a WTE facility shall be allowed including
7 incineration: *Provided*, That these technologies shall not emit toxic and poisonous
8 fumes into the environment and shall comply with all the laws mentioned hereof and
9 other relevant laws, rules, and regulations.

10 In addition to the provisions of this Act, the segregation, collection, transfer,
11 storage, and transport of solid waste as WTE feedstock for WTE facility, and the waste
12 treatment process of the WTE facility shall be governed by Republic Act No. 9003 and
13 Republic Act No. 8749, while the energy production aspect of the WTE facility shall be
14 governed by Republic Act No. 7638, Republic Act No. 9136, Republic Act No. 9367,
15 Republic Act No. 9513, and other relevant laws, rules, and regulations.

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

21 (a) Include a WTE strategy in the National Solid Waste Management
22 Framework;

23 (b) Act as the lead agency in ensuring streamlined standards, criteria, and
24 guidelines for WTE facilities to avoid inconsistent and conflicting
25 issuances;

26 (c) Regularly determine, review, and publish the following:

27 i. Standards, criteria, and guidelines for:

28 1) Characterization and composition of solid waste utilized
29 as WTE feedstock for WTE facilities to ensure emissions
30 are compliant with Republic Act No. 8749 and other
31 relevant laws, rules, and regulations;

1 (f) Ensure LGUs incorporate a WTE strategy, if feasible, in their respective
2 Local Government Solid Waste Management Plans;

3 (g) Identify and recommend potential clustering of LGUs for a common WTE
4 facility;

5 (h) Coordinate with the Provincial, City, and Municipal Solid Waste
6 Management Boards especially for clustered LGUs employing a common
7 WTE facility; and,

8 (i) Perform all other acts that are analogous to the foregoing, which are
9 necessary and incidental to accomplish the policy objectives of this Act.

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

12 (a) Issue permits to WTE facilities based on the energy output, and determine
13 the standards, criteria, and requirements applicable for each kind of WTE
14 facility pursuant to Republic Act No. 7638, Republic Act No. 9136, Republic
15 Act No. 9367, Republic Act No. 9513, and other relevant laws, rules, and
16 regulations;

17 (b) Include in WTE strategy in the Philippine Energy Plan, taking into
18 consideration the National Solid Waste Management Framework;

19 (c) Regularly submit to the NSWMC and make available to the public, especially
20 to potential WTE investors, national and local information on the following:

21 i. Current and potential uses of WTE facilities in relation to solid waste
22 management;

23 ii. Inventory of existing WTE facilities; and,

24 iii. Other relevant information;

25 (d) Perform all other acts that are analogous to the foregoing, which are
26 necessary and incidental to accomplish the policy objectives of this Act.

27 *Sec. 8. Role of the Department of Environment and Natural Resources.* – In
28 addition to its powers and functions under Republic Act No. 9003 and Republic Act No.
29 8749, the DENR shall:

30 (a) Include a WTE strategy, if feasible, in the National Solid Waste Management
31 Status Report;

- 1 (b) Provide technical and other capacity building assistance and support to LGUs
2 based on the policy guidelines created by the NSWMC pursuant to Section
3 6(e) of this Act;
- 4 (c) Implement and revise, when necessary, together with the DOH, existing
5 guidelines issued pursuant to Republic Act No. 9003 on waste transport,
6 pre-operation, waste acceptance, waste storage, pre-processing of waste,
7 quality control, operational control, pollution abatement, management of
8 residue, emissions monitoring, environmental monitoring, public health and
9 safety monitoring, decommissioning, closure, and abandonment, among
10 others, taking into account the NSWMC's standards, criteria, and guidelines
11 under Section 6(c) of this Act and other relevant laws, rules and regulations,
12 and in consultation with relevant stakeholders;
- 13 (d) Ensure compliance with Section 8(c) of this Act to include continuous
14 monitoring and testing of by-products of WTE facilities;
- 15 (e) Make available to the public, through its website, the emissions, effluents
16 and other by-products of WTE facilities;
- 17 (f) Investigate, *motu proprio* or upon complaint, reports of non-compliance of
18 WTE facilities with the provisions of this Act and other relevant laws, rules,
19 and regulations;
- 20 (g) Exercise visitorial and enforcement powers to ensure strict compliance of
21 WTE facilities with this Act, Republic Act No. 9003, Republic Act No. 8749,
22 and other relevant laws, rules, and regulations;
- 23 (h) Recommend to the NSWMC policies to address challenges of WTE facilities
24 from a solid waste management perspective; and,
- 25 (i) Perform all other acts that are analogous to the foregoing, which are
26 necessary and incidental to accomplish the policy objectives of this Act.

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

- 29 (a) Ensure all WTE facilities undergo a Health Impact Assessment, pursuant to
30 Republic Act No. 11223 and Presidential Decree No. 1586, as part of the
31 Environmental Impact Assessment System, to be jointly reviewed and approved
32 by the DOH and DENR prior to construction and operation;

- 1 (b) Implement and revise, when necessary, together with DENR, existing
2 guidelines issued pursuant to Republic Act No. 9003 on waste transport, pre-
3 operation, waste acceptance, waste storage, pre-processing of waste, quality
4 control, operational control, pollution abatement, management of residue,
5 emissions monitoring, environmental monitoring, public health and safety
6 monitoring, decommissioning, closure, and abandonment, among others,
7 taking into account the NSWMC's standards, criteria, and guidelines under
8 Section 6 (c) of this Act and other relevant laws, rules, and regulations, and in
9 consultation with relevant stakeholders;
- 10 (c) Regularly conduct an analysis of the effects of WTE facilities and disposal sites
11 on public health and submit the same to the NSWMC for consolidation, and
12 DENR for proper action, if applicable;
- 13 (d) Undertake research on the public health impact of WTE facilities together with
14 government agencies, the academe, and private stakeholders;
- 15 (e) Make available to the public, through its website, studies and analyses of the
16 effects of WTE facilities and disposal sites on public health; and,
- 17 (f) Perform all other acts that are analogous to the foregoing, which are necessary
18 and incidental to accomplish the policy objectives of this Act.

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

- 22 (a) In the case of a city or municipality and if applicable, be responsible for
23 the hauling of WTE feedstock to a WTE facility;
- 24 (b) In the case of a province and if applicable, provide necessary logistical
25 and operational support for the processing of WTE feedstock in a WTE
26 facility;
- 27 (c) Include a WTE strategy, if feasible, in their respective Local Government
28 Solid Waste Management Plans;
- 29 (d) Comply with the standards, criteria, and guidelines on WTE feedstock
30 and WTE facilities pursuant to Sections (c), 8(c) and 9(b) of this Act, if
31 applicable; and,

1 (e) Be authorized to enter into and shall comply with all obligations under
2 the following:

3 i. Clustering arrangements with other LGUs for a common WTE
4 facility, on their own or upon recommendation of the Provincial
5 Solid Waste Management Board or the NSWMC: *Provided*, That
6 the province shall have the power to cluster component cities and
7 municipalities based on the NSWMC approved provincial and local
8 solid waste management plans and the recommendation of the
9 NSWMC pursuant to Section 6(g) of this Act;

10 ii. Long term contracts with WTE facilities, on their own or with
11 clustered LGUs; and,

12 iii. Public private partnerships pursuant to Republic Act No. 6957
13 otherwise known as "An Act Authorizing the Financing,
14 Construction, Operation and Maintenance of Infrastructure
15 Projects by the Private Sector, and for Other Purposes", as
16 amended, cooperative undertakings under Section 33 of Republic
17 Act No. 7160, and other contractual arrangements provided for
18 under existing laws, rules, regulations as well as the LGUs'
19 respective charters for the establishment of WTE facilities:
20 *Provided*, That WTE projects submitted to the Investment
21 Coordinating Committee pursuant to Republic Act No. 6957, as
22 amended, shall be acted upon within thirty (30) working days
23 from submission: *Provided further*, That failure to act within the
24 prescribed time frame shall deem such projects approved.

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

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

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

- 1 (b) Recommend potential locations for WTE facilities in the Provincial Solid Waste
2 Management Plan;
- 3 (c) Identify and recommend, or direct pursuant to Section 10 of this Act, clustering
4 of component cities and municipalities for a common WTE facility, based on the
5 Local Government Solid Waste Management Plans of all its component cities
6 and municipalities;
- 7 (d) Provide the necessary logistical and operational support to component cities
8 and municipalities who have the potential to be clustered pursuant to Section
9 10 of this Act, for a common WTE facility;
- 10 (e) Coordinate the efforts and oversee the implementation of the clustering of
11 component cities and municipalities for a common WTE facility; and
- 12 (f) Coordinate with other Provincial, City, and Municipal Solid Waste Management
13 Boards in identifying possible inter- and intra-province clustering for a common
14 WTE facility.

15 *Sec. 12. Role of the City or Municipal Solid Waste Management Board.* – In
16 addition to its powers and functions under Republic Act No. 9003, the City or Municipal
17 Solid Waste Management Board shall integrate a WTE strategy, if feasible, in its Local
18 Government Solid Waste Management Plan, and shall submit a copy thereof to the
19 Provincial Solid Waste Management Board.

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

23 *Sec. 14. Prohibited Acts.* – The following acts are prohibited:

24 (a) For LGUs:

- 25 i. Failure to include if feasible, and implement, if applicable, the WTE
26 strategy in their respective Local Government Solid Waste Management
27 Plans; and,
- 28 ii. Failure to perform the responsibilities in Section 10 on the Role of Local
29 Government Units, Section 11 on the Role of the Provincial Solid Waste
30 Management Board, and Section 12 on the Role of the City or Municipal
31 Solid Waste Management Board;

1 (b) For government agencies, failure to perform the powers and functions indicated
2 under Section 6 on the National Solid Waste Management Commission, Section
3 7 on the Role of the Department of Energy, Section 8 on the Role of the
4 Department of Environment and Natural Resources, and Section 9 on the Role
5 of the Department of Health; and,

6 (c) For WTE facilities:

7 i. Failure to comply with the responsibilities in Section 5 on Waste-to-
8 Energy and Waste-to-Energy Facility; and,

9 ii. Use of imported municipal solid waste as WTE feedstock for a WTE
10 facility.

11 Sec. 15. *Penalties.* – Without prejudice to civil and criminal liability, the
12 following persons found to have violated the Sections mentioned below shall be meted
13 with the following penalties:

14 (a) Officials of LGUs and government agencies who violate Section 14(a):

15 i. First offense: six (6) months suspension;

16 ii. Second offense: dismissal from service, perpetual disqualification from
17 holding public office, and forfeiture of retirement benefits;

18 (b) Officials of LGUs and government agencies who violate Section 14(b) shall
19 suffer dismissal from service, perpetual disqualification from holding public
20 office, forfeiture of retirement benefits, and imprisonment for one (1) to six (6)
21 years with a fine of not less than Five hundred thousand pesos (P500,000.00)
22 but not more than Two million pesos (P2,000,000.00);

23 (c) Any person who violates Section 14 (c)(i):

24 i. First offense: fine of One million pesos (P1,000,000.00) and an amount
25 not less than ten percent (10%) but not more than fifteen percent (15%)
26 of the net annual income during the previous year;

27 ii. Second offense: the same penalties as with the first offense including an
28 additional penalty of imprisonment of a minimum period of one (1) year
29 but not to exceed three (3) years;

30 iii. Third offense: the same penalties as with the second offense and
31 permanent revocation of the license of the WTE facility;

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

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

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

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

25 Sec. 18. *Appropriations.* – The amount of Fifteen million pesos
26 (P15,000,000.00) for DOE, Three hundred million pesos (P300,000,000.00) for DENR,
27 Forty five million pesos (P45,000,000.00) for DOH, and Twenty seven million
28 (P27,000,000.00) for NSWMC for the initial implementation of this Act shall be charged
29 against the current year's appropriations of the DOE, DENR, DOH, and NSWMC
30 respectively. Thereafter, such amounts necessary for the sustainable implementation
31 of this Act shall be included in the Annual General Appropriations Act.

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

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

10 Sec. 21. *Separability Clause.* – If any provision or part hereof is held invalid or
11 unconstitutional, the remainder of the law or the provision or part not otherwise
12 affected shall remain valid and subsisting.

13 Sec. 22. *Repealing Clause.* – Any law, presidential decree or issuance,
14 executive order, letter of instruction, administrative order, rule, or regulation contrary
15 to or inconsistent with the provisions of this Act are hereby repealed, modified, or
16 amended accordingly.

17 Sec. 23. *Effectivity.* – This Act shall take effect fifteen (15) days after its
18 publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,