



Republic of the Philippines  
**HOUSE OF REPRESENTATIVES**  
Quezon City

NINETEENTH CONGRESS  
First Regular Session

**HOUSE BILL NO. 5658**

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Introduced by HON. GUS S. TAMBUNTING

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

**EXPLANATORY NOTE**

Art. II, Sec. 16 provides that “The State shall protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature.”

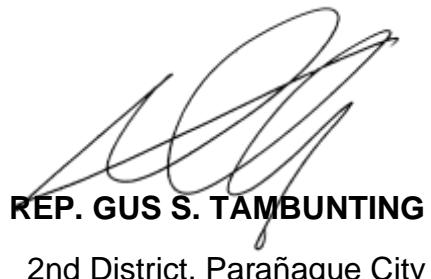
The Philippines generates an estimated 43,684 tons of garbage daily, including 4,609 tons of plastic waste, according to government data, and proper disposal facilities are lacking for much of it.

The Philippines is facing a mounting energy crisis as the Malampaya gas fields deplete, supplying 30% of Luzon’s energy consumption, are expected to be depleted by 2024. An ever-increasing population, an Administration-mandated infrastructure boom, and some of the highest electricity costs in S.E. Asia all combine to present formidable challenges.

This bill aims to turn waste into energy. Nearly 30% of Filipinos do not have access to electricity or experience brownouts.

This bill aims to reduce the huge volume of solid waste in our landfills in the country. The waste-to-energy projects could help solve the energy crisis that our country is experiencing.

On behalf of the people of Parañaque City’s Second District, and for the common good of the Filipino people, the approval of the said measure is earnestly sought.



REP. GUS S. TAMBUNTING  
2nd District, Parañaque City

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

**SECTION 1. Short Title.** — This Act shall be referred to as the "Waste-to-Energy Act".

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

- (a) Ensure protection of the public's health and the environment through a systematic and comprehensive ecological solid waste management program
- (b) Strengthen its commitment to solid waste avoidance and volume reduction by supplementing the latter with other solid waste management treatment technologies to include waste-to-energy;
- (c) Encourage the development and utilization of environmentally sustainable new and alternative technologies in resource recovery, resource conservation, processing, treatment, and disposal of solid waste, such as waste-to-energy facilities;
- (d) Support the utilization of waste-to-energy facilities to attain

sustainable energy and energy security;

(e) Strengthen the integration of solid waste management, waste-to-energy promotion, and environmental protection towards healthful cities amidst economic growth and development; and

D) Promote collaboration, cooperation, and participation of various sectors in coordinated approaches to solid waste management and waste treatment technology towards national development and job creation.

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

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

(a) Agricultural waste refers to waste generated from planting or harvesting of crops, trimming or pruning of plants, and wastes or run-off materials from farms or fields;

(b) Biomedical waste or hazardous healthcare waste refers to waste from healthcare facilities that may pose a variety of environmental and health risks. It can be further classified into sharps waste, infectious waste, pathological and anatomical waste, pharmaceutical waste, genotoxic waste, chemical waste, radioactive waste, and pressurized containers as defined by the Department of Health (DOH);

(c) City or Municipal Solid Waste Management Board refers to the entity established by each city or municipality under Section 12 of Republic Act No. 9003, otherwise known as the Ecological Solid Waste Management

Act of 2000;

(d) Chemical and industrial waste refers to discarded solid, liquid, or gaseous chemicals from laboratories, industrial establishments, or other sources such as diagnostic and experimental work, environmental work, cleaning, housekeeping, and disinfecting procedures;

(e) Clustering is a strategy of pooling available resources of local government units (LGUs) for the establishment of a common solid waste management treatment facility or service;



Statement System, Republic Act No. 6969 otherwise known as the Toxic Substances and Hazardous and Nuclear Waste Act, Republic Act No. 7638 otherwise known as the Department of Energy Act of 1992 as amended, Republic Act No. 8749, Republic Act No. 9003, Republic Act No. 9136 5 otherwise known as the Electric Power Industry Reform Act of 2001, Republic Act No. 9275 otherwise known as the Philippine Clean Water Act 7 of 2004, Republic Act No. 9367 otherwise known as the Biofuels Act of 2006, Republic Act No. 9513 otherwise known as the Renewable Energy 9 Act of 2008, Republic Act No. 11223 otherwise known as the Universal 10 Health Care Act, and WHO Guidelines on Air Quality.

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

In addition to the provisions of this Act, the segregation, collection, transfer, storage, and transport of solid waste as nTE feedstock for a facility, and the waste treatment process of the ITE facility shall be governed by Republic Act No. 9003 and Republic Act No. 8749, while the energy production aspect of the WTE facility shall be governed by Republic Act No. 7638, Republic Act No. 9136, Republic

Act No. 9367, Republic Act No. 9513, and other relevant laws, rules, and regulations.

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

- (a) Include a ME strategy in the National Solid Waste Management Framework;
- (b) Act as the lead agency in ensuring streamlined standards, criteria, and 29 guidelines for WTE facilities to avoid inconsistent and conflicting issuances;
- (c) Regularly determine, review, and publish the following:

Standards, criteria, and guidelines for:

1. Characterization and composition of solid waste utilized as ME 2 feedstocks for WTE facilities to ensure emissions are compliant with Republic Act No. 8749 and other relevant laws, rules, and regulations,
2. Transport, storage, and pre-processing of MITE feedstock,
3. Pre-operation, siting, design, operation, and maintenance of WTE facilities,
4. Quality control and operational control of WTE facilities,
5. Management of residue from WTE facilities, if any;
6. Pollution abatement, emissions monitoring, environmental monitoring, and public health and safety monitoring in relation to WTE facilities,
7. Decommissioning, closure, and abandonment of ME facilities,

and

8. Other guidelines under relevant laws, rules, and regulations, and Minimum standards, criteria, and guidelines, in determining a fair, equitable, and reasonable processing fee for ME facilities taking into consideration, among others, the cost of construction, operation, and maintenance of the facility as well as the potential revenue from the sale of energy output, in consultation with relevant government agencies, experts, and stakeholders;

(d) Consolidate and make available to the public, through its website, the following:

- (i) Current and potential uses of WTE facilities for solid waste management;
  - (ii) Inventory of existing ME facilities;
  - (iii) General feedstock characterization;
  - (iv) Status and projection of feedstock generation;
  - (v) Specific locations of potential feedstock and WTE facilities; and
  - (vi) Other relevant information;
- Provide policy guidelines to assist LGUs in the development of ME facilities to include the determination of the potential of WTE facilities in their respective localities;
- (f) Ensure LGUs incorporate a ME strategy, if feasible, in their respective Local Government Solid Waste Management Plans;
- (g) Identify and recommend potential clustering of LGUs for a common WTE facility;
- (h) Coordinate with the Provincial, City, and Municipal Solid Waste Management Boards, especially for clustered LGUs employing a common WTE facility; and (i) Perform all other acts that are analogous to the foregoing, which are necessary and incidental to accomplishing the policy objectives of this Act.

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

- (a) Issue permits to VvTE facilities based on the energy output, and determine the standards, criteria, and requirements applicable for each kind of WTE facility under Republic Act No. 7638, Republic Act No. 9136, Republic Act No. 9367, Republic Act No. 9513, and other relevant laws, rules, and regulations; (b) Include a ME strategy in the Philippine Energy Plan, taking into consideration the National Solid Waste Management Framework;
- (c) Regularly submit to the NSWMC and make available to the public, especially to potential WTE investors, national and local information on the following: (i) Current and potential uses of WTE facilities for solid waste management,
- (ii) Inventory of existing VTE facilities, and
- (iii) Other relevant information; and
- (d) Perform all other acts that are analogous to the foregoing, which are necessary

and incidental to accomplishing the policy objectives of this Act.

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

Include a VTE strategy, if feasible, in the National Solid Waste Management Status Report;

(b) Provide technical and other capacity-building assistance and support to LGUs based on the policy guidelines created by the NSWMC under Section 6(e) of this Act;

(c) Implement and revise, when necessary, together with the DOH, existing guidelines issued under Republic Act No. 9003 on waste transport, pre-operation, waste acceptance, waste storage, pre-processing of waste, quality control, operational control, pollution abatement, management of residue, emissions monitoring, environmental monitoring, public health, and safety monitoring, decommissioning, closure, and abandonment, among others, taking into account the NSWMC's standards, criteria, and guidelines under Section 6(c) of this Act and other relevant laws, rules, and regulations, and in consultation with relevant stakeholders;

d) Ensure compliance with Section 8(c) of this Act to include continuous monitoring and testing of by-products of WTE facilities;

(e) Make available to the public, through its website, the emissions, effluents, and other by-products of WTE facilities;

(f) Investigate, motu proprio or upon complaint, reports of non-compliance of WTE facilities with the provisions of this Act and other relevant laws, rules, and regulations;

(g) Exercise visitorial and enforcement powers to ensure strict compliance of WTE facilities with this Act, Republic Act No. 9003, Republic Act No. 8749, and other relevant laws, rules, and regulations;

(h) Recommend to the NSWMC policies to address challenges of VTE facilities from a solid waste management perspective; and

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

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

Ensure all WTE facilities undergo a Health Impact Assessment, under Republic Act No. 11223 and Presidential Decree No. 1586, as part of the Environmental Impact Assessment System, to be jointly reviewed and approved by the DOH and DENR before construction and operation;

(b) Implement and revise, when necessary, together with DENR, existing guidelines issued under Republic Act No. 9003 on waste transport, pre-operation, waste acceptance, waste storage, pre-processing of waste, quality control, operational control, pollution abatement, management of residue, emissions monitoring, environmental monitoring, public health, and safety monitoring, decommissioning, closure, and abandonment, among others, taking into account the NSWMC's standards, criteria, and guidelines under

Section 6(c) of this Act and other relevant laws, rules, and regulations, and in

consultation with relevant stakeholders;

(c) Regularly conduct an analysis of the effects of ME facilities and disposal sites on public health and submit the same to the NSWMC for consolidation, and DENR for proper action, if applicable;

(d) Undertake research on the public health impact of VTE facilities together with government agencies, the academe, and private stakeholders; (e) Make available to the public, through its website, studies, and analyses of the effects of facilities and disposal sites on public health; and (f) Perform all other acts that are analogous to the foregoing, which are necessary

and incidental to accomplishing the policy objectives of this Act.

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

(a) In the case of a city or municipality and if applicable, be responsible for the hauling of WTE feedstock to a WFE facility;

(b) In the case of a province and if applicable, provide necessary logistical and operational support for the processing of WTE feedstock in a WTE facility;

(c) Include a ME strategy, if feasible, in their respective Local Government Solid Waste Management Plans;

Comply with the standards, criteria, and guidelines on WTE feedstock and ME facilities under Sections 6(c), 8(c), and 9(b) of this Act, if applicable; and (e) Be authorized to enter into and shall comply with all obligations under the following:

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

(ii) Long-term contracts with WTE facilities, on their own or with clustered LGUs, and

(iii) Public-private partnerships under Republic Act No. 6957 otherwise known as An Act Authorizing the Financing, Construction, Operation and Maintenance of Infrastructure Projects by the Private Sector, and For Other Purposes as amended, cooperative undertakings under Section 33 of Republic Act No. 7160, and other contractual arrangements provided for under existing laws, rules, regulations as well as the LGUs' respective charters for the establishment of WTE facilities: Provided, That WTE projects submitted to the Investment Coordinating Committee under Republic Act No. 6957, as amended, shall be acted upon within

thirty (30) working days from submission: Provided further, that failure to act within the prescribed time frame shall deem such projects approved.

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

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

Integrate a WTE strategy, if feasible, in the Provincial Solid Waste Management Plan taking into consideration the Local Government Solid Waste Management

Plans of all its component cities and municipalities;

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

(c) Identify and recommend, or directly under Section 10 of this Act, clustering of component cities and municipalities for a common VTE facility, based on the Local Government Solid Waste Management Plans of all its component cities and municipalities;

(d) Provide the necessary logistical and operational support to component cities and municipalities that have the potential to be clustered, have decided to be clustered, or have been directed to be clustered under Section 10 of this

Act, for a common WTE facility;

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

(D) Coordinate with other Provincial, City, and Municipal Solid Waste Management Boards in identifying possible inter- and intra- province clustering for a common ME facility.

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

**Sec. 13. Permits and Licenses.** — The procedure for the issuance of permits and licenses for all kinds of WTE facilities shall be governed by Republic Act No. 11234,

otherwise known as the Energy Virtual One-Stop Shop Act.

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

(a) For LGUs:

(i) Failure to include, if feasible, and implement, if applicable, the VTE strategy in their respective Local Government Solid Waste Management  
Plans, and

(ii) Failure to perform the responsibilities in Section 10 on the Role of Local Government Units, Section 11 on the Role of the Provincial Solid Waste Management Board, and Section 12 on the Role of the City or Municipal Solid Waste Management Board;

(b) For government agencies, failure to perform the powers and functions indicated under Section 6 on the National Solid Waste Management Commission, Section 7 on the Role of

the Department of Energy, Section 8 on the Role of the Department of Environment and Natural Resources, and Section

9 on the Role of the Department of Health; and

(c) For WTE facilities:

(i) Failure to comply with the responsibilities in Section 5 on Waste-to-Energy and Waste-to-Energy Facility, and

(ii) Use of imported municipal solid waste as ME feedstock for a ME facility.

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

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

(i) First offense: six (6) months suspension,

(ii) Second offense: Dismissal from service, perpetual disqualification from holding public office, and forfeiture of retirement benefits;

(b) Officials of LGUs and government agencies who violate Section 14(b) shall be suffer dismissal from service, perpetual disqualification from holding public office, forfeiture of retirement benefits, and imprisonment for one (1) to six (6) years with a fine of not less than five hundred thousand pesos (P500,000.00) but not more than two million pesos (Php 2,000,000.00)

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

(i) First offense: Fine of One million pesos (Php 1,000,000.00) and an amount not less than ten percent (10%) but not more than fifteen percent (15%) of the net annual income during the previous year,

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

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

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

For Section 14, if the violation is committed by a corporation, partnership, or other juridical entity duly recognized by the law, the chief executive officer, president, general manager, managing partner, or such other officer-in-charge

shall be liable for the commission of the offense penalized under this Act.

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

Sec. 17. Establishment of Dedicated Office. - The DOE, DENR, DOH, and NSWMC shall establish dedicated offices for the effective implementation of this Act. The organizational structure and staffing complement shall be determined by the Secretaries of DENR, DOE, and DOH, in consultation with the Department of Budget and Management, and by existing civil service rules and regulations. The budgetary requirements necessary for the establishment of the dedicated offices shall be taken from the current appropriations of DOE, DENR, DOH, and NSWMC.

Thereafter, the funding for the dedicated offices shall be included in the annual General Appropriations Act.

Sec. 18. Appropriations. The amount of Fifteen million pesos 5 (~~P15,000,000.00~~) for DOE, Three hundred million pesos ~~(P300,000,000.00)~~ for DENR,

Forty-five million pesos (P45,000,000.00) for DOH and Twenty-seven million (P27,000,000.00) for NSWMC for the initial implementation of this Act shall be charged against the current year's appropriations of the DOE, DENR, DOH, and NSWMC respectively. Thereafter, such amounts necessary for the sustainable implementation of this Act shall be included in the Annual General Appropriations Act.

Sec. 19. Congressional Oversight.                           The Joint Congressional Energy

Commission (JCEC), created under Republic Act No. 9136 and renamed under Republic Act No. 11285, shall exercise oversight powers over the implementation of this Act. The Chairpersons of the Committee on Environment and Natural Resources of the Senate and the House of Representatives shall be automatic members of the JCEC.

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

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

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

Sec. 23. Repealing Clause— Any law, presidential decree or issuance, executive order, letter of instruction, rule, or regulation inconsistent with the provisions of this The act is hereby repealed or modified accordingly.

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

Approved,