

**TWENTIETH CONGRESS OF THE  
REPUBLIC OF THE PHILIPPINES**  
*First Regular Session*

Office of the Secretary

25 JUL 10 P2:06

**SENATE**  
**S.B. No. 365**

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**Introduced by Senator WIN GATCHALIAN**

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

EXPLANATORY NOTE

The Philippines generates an average of 22.9 million metric tons of waste annually.<sup>1</sup> Following a historical average annual growth rate of 1.72% from 2020 to 2024, it is projected that the country will produce 29.60 million tons of waste by 2040 – almost a 30% increase from 2025.<sup>2</sup> As of May 2025, there are 53 illegal dumpsites while there are 373 operational sanitary landfills.<sup>3</sup>

Republic Act No. 9513 otherwise known as the *Renewable Energy Act of 2008* mandates the Department of Energy to encourage the adoption of waste-to-energy (WTE) facilities and considers biodegradable organic fractions of industrial and municipal wastes as part of biomass resources.<sup>4</sup> More than a decade since its passage, there are only five operational WTE plants. This only produces 9.69MW capacity for commercial operational, 624 kW for own use and 650 metric tons per day of refuse-derived fuel (RDF).<sup>5</sup>

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<sup>1</sup> National Solid Waste Management Commission (2025).

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

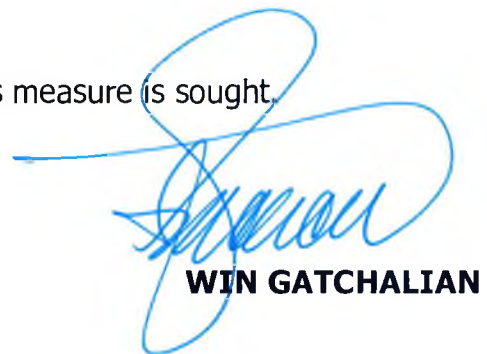
<sup>4</sup> Section 4(b) and Section 30 of Republic Act No. 9513.

<sup>5</sup> Department of Energy (2025).



To address the garbage crisis in the country, this measure provides an additional solution on top of the 4Rs – *reduce, reuse, recycle and recover* - while at the same time increasing the energy production in the country through WTE. This measure seeks to provide a framework for the entire value chain of WTE facilities, and in turn ensure the uninterrupted supply of waste by (1) mandating a WTE strategy in the national, provincial, and local solid waste management plans; (2) authorizing local government units to enter into cooperative undertakings, joint ventures, and other similar modalities in choosing a common WTE facility provider; (3) requiring standards, criteria, guidelines, and formula in computing for a fair, equitable, and reasonable tipping charge for WTE facilities taking into consideration the cost of construction, operation and maintenance of the facility and the potential revenue from the sale of energy output such as electric power and biofuels; and (4) ensuring the protection of the public's health and the environment by the strict implementation of health and environmental standards applicable to WTE facilities operation.

Given the foregoing, the immediate passage of this measure is sought.



**WIN GATCHALIAN**



TWENTIETH CONGRESS OF THE  
REPUBLIC OF THE PHILIPPINES  
*First Regular Session*

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25 JUL 10 P2:07

RECEIVED BY:

**SENATE**  
**S.B. No. 365**

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**Introduced by SEN. WIN GATCHALIAN**

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

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

1       SECTION 1. *Short Title.* – This Act shall be referred to as the “Waste-to-Energy  
2   Act”.

3  
4       Sec. 2. *Declaration of Policy.*– It is hereby declared the policy of the State to:

- 5       (a) Ensure protection of the public’s health and the environment through a  
6       systematic and comprehensive ecological solid waste management program;  
7       (b) Strengthen its commitment to solid waste avoidance and volume reduction  
8       by supplementing the latter with other solid waste management treatment  
9       technologies to include waste-to-energy;  
10       (c) Encourage the development and utilization of environmentally sustainable  
11       new and alternative technologies in resource recovery, resource conservation,  
12       processing, treatment, and disposal of solid waste, such as waste-to-energy  
13       facilities;  
14       (d) Support the utilization of waste-to-energy technologies, in order to attain  
15       sustainable 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  
8 Sec. 3. *Scope and Application.* – This Act shall apply to all local government  
9 units (LGU) and waste-to-energy (WTE) facilities.

10  
11 Sec. 4. *Definition of Terms.* – For purposes of this Act, the following terms  
12 shall be defined as stated below:

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



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



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



1 (w) *Segregation* refers to a solid waste management practice of separating  
2 different materials found in solid waste in order to promote recycling and re-  
3 use of resources, facilitate waste treatment processes, and to reduce the  
4 volume of waste for collection and disposal pursuant to Republic Act No. 9003,  
5 as amended;

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

9 It shall not include:

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

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

22 (iii) Waste resulting from mining activities, including contaminated soil and  
23 debris;

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

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



1 environmental considerations, and that is also responsive to the public  
2 attitudes;

3 (aa) *Waste* refers to any material misplaced, unused or rejected by persons as  
4 worthless or unwanted. It includes, among others, agricultural, biomedical,  
5 chemical and industrial, hazardous, municipal, and solid wastes;

6 (bb) *Waste-to-Energy (WTE)* refers to an energy system with a process of  
7 converting WTE feedstock with various technologies, usually the conversion  
8 of non-recyclable waste materials into usable heat, electricity, or fuel through  
9 a variety of processes;

10 (cc) *WTE facility* refers to the facility where the WTE operations are conducted;

11 (dd) *WTE feedstock* refers to the waste materials with calorific-value that are taken  
12 in for WTE processing in a WTE facility;

13 (ee) *Waste generation* refers to the act or process of producing solid waste; and

14 (ff) *WTE strategy* refers to a plan of action with measurable targets for the  
15 utilization of WTE facilities for solid waste management treatment and energy  
16 production.

17  
18 Sec. 5. *Waste-to-Energy and Waste-to-Energy Facility.* – WTE shall be classified  
19 as another kind of renewable energy resource. A WTE facility shall:

20 (a) Be both a solid waste management treatment facility and an energy  
21 production facility;

22 (b) Comply with establishment and operation guidelines for WTE facilities  
23 pursuant to Sections 6(c), 8(c), and 9(b) of this Act;

24 (c) Ensure the proper management of its residue which should conform to  
25 relevant laws, rules, and regulations and should include making  
26 arrangements with a sanitary landfill, or developing its own, prior to its  
27 operations, as a disposal site for any residue generated from its operations  
28 in accordance with NSWMC, DENR, and DOH guidelines issued pursuant to  
29 this Act; and

30 (d) Comply with relevant laws, rules, and regulations including but not limited  
31 to Presidential Decree No. 1586 Establishing an Environmental Impact  
32 Statement System, Republic Act No. 6969 otherwise known as the Toxic



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

10 All waste treatment technologies in a WTE facility shall be allowed including  
11 incineration: *Provided*, that these technologies shall not emit toxic and poisonous  
12 fumes into the environment, operate in compliance with best available techniques  
13 and/or best existing practice for preventing and controlling pollution from waste  
14 treatment, and shall comply with all the laws mentioned hereof and other relevant  
15 laws, rules, and regulations.

16 In addition to the provisions of this Act, the segregation, collection, transfer,  
17 storage, and transport of solid waste as WTE feedstock for a WTE facility, and the  
18 waste treatment process of the WTE facility shall be governed by Republic Act No.  
19 9003, as amended, and Republic Act No. 8749, while the energy production aspect of  
20 the WTE facility shall be governed by Republic Act No. 7638, Republic Act No. 9136,  
21 Republic Act No. 9367, Republic Act No. 9513, and other relevant laws, rules, and  
22 regulations.

23  
24 *Sec. 6. The National Solid Waste Management Commission.* – The Secretary of  
25 the Department of Energy shall serve in *ex officio* capacity as member of the National  
26 Solid Waste Management Commission (NSWMC), which shall now have fifteen (15)  
27 members comprising of nine (9) members from the government sector and six (6)  
28 members from the private sector. In addition to its powers and functions under  
29 Republic Act No. 9003, as amended, the NSWMC shall:

- 30 (a) Include a WTE strategy in the National Solid Waste Management Framework;  
31 (b) Act as the lead agency in ensuring streamlined standards, criteria, and  
32 guidelines for WTE facilities to avoid inconsistent and conflicting issuances;



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

2 (i) Standards, criteria, and guidelines for:

- 3 1. Determination of the feasibility of integrating a WTE strategy in
- 4 the Local Government Solid Waste Management Plan, taking
- 5 into account the volume of WTE feedstock that may be
- 6 generated from municipal waste in an LGU or cluster thereof;
- 7 2. Characterization and composition of solid waste utilized as
- 8 waste feedstock for WTE facilities to ensure emissions are
- 9 compliant with Republic Act No. 8749 and other relevant laws,
- 10 rules, and regulations,
- 11 3. Transport, storage, and pre-processing of WTE feedstock,
- 12 4. Pre-operation, siting, design, operation, and maintenance of
- 13 WTE facilities,
- 14 5. Quality control and operational control of WTE facilities,
- 15 6. Management of residue from WTE facilities, if any;
- 16 7. Pollution abatement, emissions monitoring, environmental
- 17 monitoring, public health and safety monitoring in relation to
- 18 WTE facilities,
- 19 8. Decommissioning, closure, and abandonment of WTE facilities,
- 20 and
- 21 9. Other guidelines pursuant to relevant laws, rules, and
- 22 regulations, and

23 (ii) Minimum standards, criteria, guidelines, in determining a fair, equitable,

24 and reasonable processing fee for WTE facilities taking into

25 consideration, among others, the cost of construction, operation, and

26 maintenance of the facility as well as the potential revenue from the

27 sale of energy output, in consultation with relevant government

28 agencies, experts, and stakeholders;

29 (d) Consolidate and make available to the public, through its website and any

30 online means, the following:

31 (i) Current and potential uses of WTE facilities in relation to solid waste

32 management;



- (ii) Inventory of existing WTE 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;
- (e) Provide policy guidelines to assist LGUs in the development of WTE facilities to include the determination of the potential of WTE facilities in their respective localities;
- (f) Ensure LGUs incorporate a WTE strategy, if feasible, in their respective Local Government Solid Waste Management Plans;
- (g) Identify and recommend potential clustering of LGUs for a common WTER facility in accordance with the standards to be set forth in the Implementing Rules and Regulations;
- (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 accomplish 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, otherwise known as the Department of Energy Act of 1992, as amended, the Department of Energy (DOE) shall:

- (a) Issue permits to WTE facilities based on the energy output, and determine the standards, criteria, and requirements applicable for each kind of WTE facility pursuant to 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 WTE 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 in relation to solid waste management,
  - (ii) Inventory of existing WTE facilities, and



- 1 (iii) Other relevant information; and
- 2 (d) Perform all other acts that are analogous to the foregoing, which are necessary
- 3 and incidental to accomplish the policy objectives of this Act.
- 4

5 *Sec. 8. Role of the Department of Environment and Natural Resources.* – In

6 addition to its powers and functions under Republic Act No. 9003, as amended, and

7 Republic Act No. 8749, the DENR shall:

- 8 (a) Include a WTE strategy, if feasible, in the National Solid Waste Management
- 9 Status Report;
- 10 (b) Provide technical and other capability building assistance and support to LGUs
- 11 based on the policy guidelines created by the NSWMC pursuant to Section 6(e)
- 12 of this Act;
- 13 (c) Implement and revise, when necessary, together with the DOH, existing
- 14 guidelines issued pursuant to Republic Act No. 9003, as amended, on waste
- 15 transport, pre-operation, waste acceptance, waste storage, pre-processing of
- 16 waste, quality control, operational control, pollution abatement, management
- 17 of residue, emissions monitoring, environmental monitoring, public health and
- 18 safety monitoring, decommissioning, closure, and abandonment, among
- 19 others, taking into account the NSWMC's standards, criteria, and guidelines
- 20 issued pursuant to Sec. 6(c) of this Act and other relevant laws, rules, and
- 21 regulations, and in consultation with relevant stakeholders;
- 22 (d) Ensure compliance with Section 8(c) of this Act to include continuous
- 23 monitoring and testing of by-products of WTE facilities;
- 24 (e) Make available to the public, through its website and any online means, the
- 25 emissions, effluents and other by-products of WTE facilities;
- 26 (f) Investigate, motu proprio or upon complaint, reports of non-compliance of WTE
- 27 facilities with the provisions of this Act and other relevant laws, rules, and
- 28 regulations;
- 29 (g) Exercise visitorial and enforcement powers to ensure strict compliance of WTE
- 30 facilities with this Act, Republic Act No. 9003, as amended, Republic Act No.
- 31 8749, and other relevant laws, rules, and regulations;



- 1 (h) Recommend to the NSWMC policies to address challenges of WTE facilities from  
2 a solid waste management perspective; and  
3 (i) Perform all other acts that are analogous to the foregoing, which are necessary  
4 and incidental to accomplish the policy objectives of this Act.  
5

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

- 8 (a) Ensure all WTE facilities undergo a Health Impact Assessment, pursuant to  
9 Republic Act No. 11223 and Presidential Decree No. 1586, as part of the  
10 Environmental Impact Assessment System, to be jointly reviewed and approved  
11 by the DOH and DENR prior to construction and operation;  
12 (b) Implement and revise, when necessary, together with DENR, existing  
13 guidelines issued pursuant to Republic Act No. 9003, as amended, on waste  
14 transport, pre-operation, waste acceptance, waste storage, pre-processing of  
15 waste, quality control, operational control, pollution abatement, management  
16 of residue, emissions monitoring, environmental monitoring, public health and  
17 safety monitoring, decommissioning, closure, and abandonment, among  
18 others, taking into account NSWMC standards, criteria, and guidelines under  
19 Sec. 6(c) of this Act and other relevant laws, rules, and regulations, and in  
20 consultation with relevant stakeholders;  
21 (c) Regularly conduct an analysis of the effects of WTE facilities and disposal sites  
22 on public health and submit the same to the NSWMC for consolidation, and  
23 DENR for proper action, if applicable;  
24 (d) Undertake research on the public health impact of WTE facilities together with  
25 government agencies, the academe, and private stakeholders;  
26 (e) Make available to the public, through its website and any online means, studies  
27 and analyses of the effects of WTE facilities and disposal sites on public health;  
28 and  
29 (f) Perform all other acts that are analogous to the foregoing, which are necessary  
30 and incidental to accomplish the policy objectives of this Act.  
31



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

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

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

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

10 (d) Comply with the standards, criteria, and guidelines on WTE feedstock and  
11 WTE facilities pursuant to Sections 6(c), 8(c), and 9(b) of this Act, if  
12 applicable; and

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

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

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

23 (iii) Public private partnerships pursuant to Republic Act No. 6957 otherwise  
24 known as An Act Authorizing the Financing, Construction, Operation and  
25 Maintenance of Infrastructure Projects by the Private Sector, and for other  
26 Purposes as amended, cooperative undertakings under Section 33 of  
27 Republic Act No. 7160, and other contractual arrangements provided for  
28 under existing laws, rules, and regulations as well as the LGUs' respective  
29 charters for the establishment of WTE facilities: *Provided, That* WTE  
30 projects submitted to the Investment Coordinating Committee pursuant to  
31 Republic Act No. 6957, as amended, shall be acted upon within thirty (30)



1 working days from submission: *Provided further*, That failure to act within  
2 the prescribed time frame shall deem such projects approved.

3 The national government shall provide support to all LGUs towards the effective  
4 implementation and the achievement of the policy objectives of this Act;  
5 Provided that the provision of support by the national government shall be  
6 compliant with the provisions all relevant laws, rules, and regulations.  
7

8 *Sec. 11. Role of the Provincial Solid Waste Management Board.* – In addition to  
9 its powers and functions under Republic Act No. 9003, as amended, the Provincial  
10 Solid Waste Management Board shall:

- 11 (a) Integrate a WTE strategy, if feasible, in the Provincial Solid Waste Management  
12 Plan taking into consideration the Local Government Solid Waste Management  
13 Plans of all its component cities and municipalities;  
14 (b) Recommend potential locations for WTE facilities in the Provincial Solid Waste  
15 Management Plan;  
16 (c) Identify and recommend, or direct pursuant to Section 10 of this Act, clustering  
17 of component cities and municipalities for a common WTE facility, based on  
18 the Local Government Solid Waste Management Plans of all its component cities  
19 and municipalities;  
20 (d) Provide the necessary logistical and operational support to cities and  
21 municipalities who have the potential to be clustered, have decided to be  
22 clustered, or have been directed to be clustered pursuant to Section 10 of this  
23 Act, for a common WTE facility;  
24 (e) Coordinate the efforts and oversee the implementation of the clustering of  
25 component cities and municipalities for a common WTE facility; and  
26 (f) Coordinate with other Provincial, City, and Municipal Solid Waste Management  
27 Boards in identifying possible inter-and intra-province clustering for a common  
28 WTE facility.  
29

30 *Sec. 12. Role of the City or Municipal Solid Waste Management Board.* – In  
31 addition to its powers and functions under Republic Act No. 9003, as amended, the



1 City or Municipal Solid Waste Management Board shall integrate a WTE strategy, if  
2 feasible, in its Local Government Solid Waste Management Board.

3  
4 Sec. 13. Role of the Public-Private Partnership Center. - The Public-Private  
5 partnership Center shall provide support to LGUs towards the effective implementation  
6 and the achievement of the policy objectives of this Act in accordance with its mandate  
7 under existing laws, issuances, rules, and regulations.

8  
9 Sec. 14. *Permits and Licenses* – The procedure for the issuance of permits and  
10 licenses for all kinds of WTE facilities shall be governed by Republic Act No. 11234,  
11 otherwise known as the Energy Virtual One-Stop Shop Act.

12  
13 Sec. 15. *Prohibited Acts*. – The following acts are prohibited:

14 (a) For LGUs:

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

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

22 (b) For government agencies, failure to perform the powers and functions  
23 indicated under Section 6 on the National Solid Waste Management  
24 Commission, Section 7 on the Role of the Department of Energy, Section 8 on  
25 the Role of the Department of Environment and Natural Resources, and Section  
26 9 on the Role of the Department of Health; and

27 (c) For WTE facilities:

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

30 (ii) Use of imported solid waste as WTE feedstock for a WTE Facility.



1       Sec. 16. *Penalties.* – Without prejudice to civil and criminal liability, the  
2 following persons found to have violated the Sections mentioned below shall be meted  
3 with the following penalties:

4       (a) Officials of LGUs who violate Section 15(a):

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

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

8       (b) Officials of LGUs and government agencies who violate Section 15(b) shall  
9 suffer dismissal from service, perpetual disqualification from holding public  
10 office, forfeiture of retirement benefits, and imprisonment for one (1) to six  
11 (6) years with a fine of not less than Five hundred thousand pesos  
12 (P500,000.00) but not more than Two million pesos (P2,000,000.00).

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

14               (i) First offense: Fine of One million pesos (P1,000,000.00) and an amount  
15 not less than ten percent (10%) but not more than fifteen percent (15%)  
16 of the net annual income during the previous year,

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

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

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

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



1 other officer-in-charge shall be liable for the commission of the offense  
2 penalized under this Act.  
3

4 Sec. 17. *Incentives.* – WTE facilities, depending on their output, shall be  
5 entitled to avail of the incentives under Republic Act No. 9637 otherwise known as the  
6 Biofuels Act of 2006 and Republic Act No. 9513 otherwise known as the Renewable  
7 Energy Act of 2008.  
8

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

19 Sec. 19. *Appropriations.* – The amount of Fifteen Million Pesos  
20 (P15,000,000.00) for DOE, Three Hundred Million Pesos (P300,000,000.00) for DENR,  
21 Forty-Five Million (P45,000,000.00) for DOH, and Twenty-Seven Million Pesos  
22 (P27,000,000.00) for NSWMC for the initial implementation of this Act shall be charged  
23 against the current year's appropriations of the DOE, DENR, DOH, and NSWMC  
24 respectively. Thereafter, such amounts necessary for the sustainable implementation  
25 of this Act shall be included in the Annual General Appropriations Act.  
26

27 Sec. 20. *Congressional Oversight.* – The Joint Congressional Oversight  
28 Committee (JCEC), created under Republic Act No. 9136 and renamed under Republic  
29 Act No. 11285, shall exercise oversight powers over the energy aspect of the  
30 implementation of this Act. The Chairpersons of the Committee on Environment and  
31 Natural Resources of the Senate and the House of Representatives shall be automatic  
32 members of the JCEC.



1           Sec. 21. *Implementing Rules and Regulations.* – The DOE together with the  
2 DENR, in consultation with DOH, NSWMC, Department of Interior and Local  
3 Government, LGUs, and public and private stakeholders, shall issue the implementing  
4 rules and regulations of this Act within ninety (90) days upon its effectivity.

5  
6           Sec. 22. *Separability Clause.* – If any portion or provision of this Act is declared  
7 unconstitutional, the remainder of this Act or any provisions not affected thereby shall  
8 remain in force and effect.

9  
10          Sec. 24. *Repealing Clause.* – Any law, presidential decree or issuance, executive  
11 order, letter of instruction, rule or regulation inconsistent with the provisions of this  
12 Act is hereby repealed or modified accordingly.

13  
14          Sec. 24. *Effectivity Clause.* – This Act shall take effect fifteen (15) days following  
15 its complete publication in the Official Gazette or a newspaper of general circulation.

*Approved,*