

Republic of the Philippines  
HOUSE OF REPRESENTATIVES  
Quezon City

SEVENTEENTH (17TH) CONGRESS  
\_\_\_\_\_ Regular Session

House Bill No. **4271**



Introduced by: Rep. Bernadette Herrera-Dy

**AN ACT BANNING TRADITIONAL, SMALL-SCALE, COMMUNITY INCINERATION ("SIGA") AND AMENDING THE PROVISIONS OF REPUBLIC ACT NO. 8749, OTHERWISE KNOWN AS THE CLEAN AIR ACT OF 1999, AND ITS IMPLEMENTING RULES AND REGULATIONS, AND INCREASING THE PENALTY FOR BURNING OF SOLID WASTE, AMENDING REPUBLIC ACT NO. 9003.**

**EXPLANATORY NOTE**

No less than the 1987 Constitution provides that "The State shall protect and promote the right to health of the people and instill health consciousness among them." (Sec. 15, Art. II)

Additionally, it is also a State policy 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." (Sec. 16, Art. II)

It further provides that "The State shall adopt an integrated and comprehensive approach to health development which shall endeavor to make essential goods, health and other social services available to all the people at affordable cost. There shall be priority for the needs of the underprivileged, sick, elderly, disabled, women, and children..." (Sec. 11, Art. XIII)

Republic Act No. 8749, otherwise known as The Philippine Clean Air Act of 1999, further declares that "the State shall: (1) promote and protect the global environment to attain sustainable development while recognizing the primary responsibility of local government units to deal with environmental problems; (2) recognizes that the responsibility of cleaning the habitat and environment is primarily area-based; and (3) recognizes that a clean and healthy environment is for the good of all and should, therefore, be the concern of all." (Sec. 2, R.A. No. 8749)

The same legislation recognizes as among State policies the need to "focus primarily on pollution prevention rather than on control and provide for a comprehensive management program for air pollution." (Section 3 par. c, R.A. No. 8749)

Finally, the same law recognizes and guarantees as among the rights of Filipino citizens, the "right to breathe clean air". (Section 4, par. a, R.A. No. 8749)

The need for clean, breathable air has grown of significant concern in our continuously industrialized societies. In a 2014 World Health Organization study, air pollution emerged as the world's single largest environmental health risk, causing over seven million deaths in 2012, with one in every eight deaths around the world linked to air pollution hazards and diseases.<sup>1</sup>

The incineration of biodegradable and non-biodegradable products releases harmful pollutants and particles into the air, including carcinogenic dioxins and furans.<sup>2</sup> The burning of treated wood releases arsenic, plastics and PVC products release hydrogen chloride, and certain paints release lead.

The health risks associated with the inhalation of polluted air from these and other sources include, among others, asthma, chronic obstructive pulmonary disease (COPD), reduced lung function, pulmonary cancer, mesothelioma, pneumonia, heart disease, stroke, and birth defects.<sup>3</sup>

For asthma alone, it affects 334 million peoples across all age groups worldwide<sup>4</sup>, and is the most common chronic disease among children<sup>5</sup>. Asthma prevalence in the Philippines is around 10.7 million (12% of national population) or one in every eight Filipinos.<sup>6</sup> In Filipino children, asthma prevalence has ranged from 9.2% to 27.4%, based on four separate studies conducted.<sup>7</sup>

From 2001-2010, asthma has been the cause of death of approximately 105 Filipinos for every one million of the population, making the Philippines the country with the fifth highest asthma mortality rate out of 57 countries surveyed in The Global Asthma Report 2014.<sup>8</sup>

The Clean Air Act provides for an explicit ban on incineration, defined as the burning of municipal, biomedical and hazardous waste, which process emits poisonous and toxic fumes. (Section 20, R.A. No. 8749) Unfortunately, the same provision excludes from the application of the ban on traditional small-scale method of community/neighborhood sanitation (commonly known as "siga"), traditional, agricultural, cultural, health, and food preparation and crematoria.

The Ecological Solid Waste Management Act, enacted in 2001, provides an explicit ban on the open burning of solid waste. (Section 48, par. 3, Republic Act No. 9003) It imposes upon those convicted of violation of the ban on the open burning of solid waste with a fine ranging from three

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<sup>1</sup> Kounteya Sinha, *Air pollution biggest health risk, says WHO*, *The Economic Times*, 26 March 2014 [<http://economictimes.indiatimes.com/environment/pollution/air-pollution-biggest-health-risk-says-who/articleshow/32694916.cms>]

<sup>2</sup> Pia Ranada, *To burn trash or not to? Debate in PH rages on*, *Rappler*, 20 November 2014 [<http://www.rappler.com/science-nature/environment/75573-philippines-waste-incineration-ban-debate>]

<sup>3</sup> Environmental Pollution Centers, *Air Pollution Diseases*, [<http://www.environmentalpollutioncenters.org/air/diseases/>]

<sup>4</sup> The Global Asthma Network, *The Global Asthma Report 2014 - Executive Summary*, [<http://www.globalasthma-report.org/about/executive.php>]

<sup>5</sup> World Health Organization, *Chronic Respiratory Diseases - Asthma*, [<http://www.who.int/respiratory/asthma/en/>]

<sup>6</sup> G.W.K. Wong, N. Kwon, J.G. Hong, J.Y. Hsu, and K.D. Gunasekera, *Pediatric asthma control in Asia: Phase 2 of the Asthma Insights and Reality in Asia-Pacific (AIRAP 2) survey*, 68 *Allergy* 2013, 524-530. [<http://onlinelibrary.wiley.com/doi/10.1111/all.12117/full>]; See also Jason Tulio, *Is it asthma?*, *Rappler*, 20 October 2015. [<http://www.rappler.com/brandrap/health-and-self/110002-managing-asthma>]

<sup>7</sup> See H.A. Alava, L.F. Dans, M.W. Sumpaico, M.R. Castor, and J.C. De Leon in 55(4) *Philippine Journal of Pediatrics* 189-195, 2006; See also M.L. Noche, M.J.V. Guno, O.C. Go, A.G. Andaya, and M.C.T. Capulong, et. al. in 44 *Philippine Journal of Pediatrics* 81-87, 1995; See also F. Cua-Lim, C. Roa Jr., M. Ferreria, M. Sumpaico, A. Tuazon, and J. Amores, et. al. in 4 *Philippine Journal of Allergy Immunology* 9-20, 1997.

<sup>8</sup> The Global Asthma Network, *The Global Asthma Report 2014 - Age-standardised asthma mortality rates for all ages 2001-2010 from countries where asthma is separately coded as a cause of death, ordered by mortality rate and country income group*. [[http://www.globalasthma-report.org/charts/Ch4\\_Fig1.html](http://www.globalasthma-report.org/charts/Ch4_Fig1.html)]

hundred pesos to one thousand pesos, **or alternatively** imprisonment for a period ranging from one (1) day to fifteen (15) days. (Section 49, par. b, Republic Act No. 9003)

Despite these legislative measures, smoke from open incineration of biodegradable and non-biodegradable materials has become a daily occurrence. It affects Filipinos regardless of age or gender.

It is for these purposes, that this bill seeks to amend the Clean Air Act by removing the exception of traditional small-scale method of community/neighborhood sanitation or "siga" and thereby placing a total ban on such practice. Furthermore, this bill seeks to increase the penalties on open burning of solid waste under Republic Act. No. 9003, in order for the provisions of the Act to be better implemented among the populace.

It is my earnest hope that my colleagues in the House of Representatives and the Senate see the virtue of this proposal, and approval of this bill is highly and earnestly recommended.



**BERNADETTE HERRERA-DY**

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1     **AN ACT BANNING TRADITIONAL, SMALL-SCALE, COMMUNITY INCINERATION**  
2     **(“SIGA”) AND AMENDING THE PROVISIONS OF REPUBLIC ACT NO. 8749,**  
3     **OTHERWISE KNOWN AS THE CLEAN AIR ACT OF 1999, AND ITS IMPLEMENTING**  
4     **RULES AND REGULATIONS, AND INCREASING THE PENALTY FOR BURNING OF**  
5     **SOLID WASTE, AMENDING REPUBLIC ACT NO. 9003.**  
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7     *Be it enacted in the Senate and House of Representatives of the Philippines in the Congress*  
8     *assembled:*  
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11    **SECTION 1** *Short Title.* This Act shall be known as the “Anti-Siga Act of 2016”  
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13    **SECTION 2.** *Declaration of Policy.*  
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15    Section 15, Article II of the 1987 Constitution provides that “The State shall protect and promote  
16    the right to health of the people and instill health consciousness among them.”  
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18    Section 16, Article II provides that “The State shall protect and advance the right of the people to a  
19    balanced and healthful ecology in accord with the rhythm and harmony of nature.”  
20

21    Section 11, Article XIII provides that “The State shall adopt an integrated and comprehensive  
22    approach to health development which shall endeavor to make essential goods, health and other  
23    social services available to all the people at affordable cost. There shall be priority for the needs of  
24    the under-privileged, sick, elderly, disabled, women, and children...”  
25

26    Section 2 of Republic Act No. 8749, otherwise known as The Philippine Clean Air Act of 1999,  
27    declares that “the State shall: (1) promote and protect the global environment to attain sustainable  
28    development while recognizing the primary responsibility of local government units to deal with  
29    environmental problems; (2) recognizes that the responsibility of cleaning the habitat and  
30    environment is primarily area-based; and (3) recognizes that a clean and healthy environment is for  
31    the good of all and should, therefore, be the concern of all.”  
32

33    Section 3, paragraph C of Republic Act No. 8749 recognizes that the State needs to “focus primarily  
34    on pollution prevention rather than on control and provide for a comprehensive management  
35    program for air pollution.

Section 4, paragraph A of Republic Act No. 8749 recognizes and guarantees the right of Filipinos "...to breathe clean air".

**SECTION 3. Definition of Terms.** - For purposes of this Act, the following terms are hereby defined:

- a) "*Air pollutant*" means any matter found in the atmosphere other than oxygen, nitrogen, water vapor, carbon dioxide, and the inert gases all in their natural or normal concentrations, that is detrimental to health or the environment, which includes but not limited to smoke, dust, soot, cinder, fly ash, solid particles of any kind, gases, fumes, chemical mists, contaminated steam and radioactive substances;
- b) "*Air pollution*" means any alteration of the physical, chemical and biological properties of the atmosphere, or any discharge thereto of any liquid, gaseous or solid substances that will or is likely to create or to render the air resources of the country harmful, detrimental, or injurious to public health, safety or welfare or which will adversely affect their utilization for domestic, commercial, industrial, agricultural, recreational, or other legitimate purposes;
- c) "*Air quality performance rating*" refers to a rating system to be developed by the Department through the Bureau. The air quality performance ratings will be grouped by industry, and will compare emissions data for industrial sources to the relevant National Ambient Air Quality Standards and the relevant National Emissions Standards for Source Specific Air Pollutants.
- d) "*Bio-medical waste*" refers to pathological wastes, pharmaceutical wastes, chemical wastes and sharps defined as follows:
  1. "*Pathological wastes*" include all human tissue (whether infected or not) such as limbs, organs, fetuses and body fluid; animal carcasses and tissue from laboratories, together with all related swabs and dressings;
  2. "*Pharmaceutical wastes*" include pharmaceutical products; drugs and chemicals that have been returned from wards; have been spilled or soiled; are expired or contaminated; or are to be discarded or any reason;
  3. "*Chemical wastes*" include discarded solid, liquid or gaseous chemicals from housekeeping and disinfecting procedures;
- e) "*Department*" refers to the Department of Environment and Natural Resources;
- f) "*Hazardous substances*" refers to those substances which present either: (1) short-term acute hazards such as acute toxicity by ingestion, inhalation, or skin absorption, corrosivity or other skin or eye contact hazard or the risk of fire explosion; or (2) long-term toxicity upon repeated exposure, including carcinogenicity (which in some cases may result in acute exposure but with a long latent period), resistance to the detoxification process, or the potential to pollute underground or surface waters;
- g) "*Incinerator*" refers to a facility, equipment, furnace or other similar structure which burns municipal, bio-medical or hazardous wastes, which process emits toxic and poisonous fumes;
- h) "*Infectious waste*" refers to soiled surgical dressings, swabs and other contaminated waste from treatment areas; materials which have been in contact with persons or animals suffering from infectious diseases; cultures and stocks of infectious agents from laboratory work; dialysis



equipment; apparatus and disposable gowns, aprons, gloves, towels, etc; waste from dialysis treatment area; waste from patients in isolation wards; all materials which may contain pathogens in sufficient concentration or quality that exposure to could result in disease;

- i) "Medical waste" means any solid waste that is generated in the diagnosis, treatment, or immunization of human beings or animals, in research pertaining thereto, or in the production or testing of biologicals;
- j) "Poisonous and toxic fumes" means any emission and fumes which do not conform to internationally accepted standards, including but not limited to World Health Organization (WHO) guideline values;
- k) "Siga" means the traditional small scale method of burning of wastes resulting from cleaning the backyard such as fallen leaves, twigs, stems, and other similar matter from plants and trees in the backyard where the burning is done;

**SECTION 4.** Section 20 of Republic Act No. 8749 is hereby amended as follows:

"Section 20. *Ban on Incineration and Siga.*- Incineration, hereby defined as the burning of municipal, biomedical and hazardous waste, **including** "Siga", the traditional small scale method of burning wastes such as twigs, leaves, stems, which processes emits poisonous and toxic fumes is hereby prohibited; **Provided, however,** that the prohibition shall not apply to crematoria.

**Provided further,** that the incineration of bio-medical wastes, infectious wastes, and medical wastes shall be permitted only insofar as to prevent any infection or spread of diseases. The incineration of these wastes and the underlying reasons for such incineration shall be reported to the Department.

Local government units are hereby mandated to promote, encourage and implement in their respective jurisdiction a comprehensive ecological waste management that includes waste segregation, recycling and composting.

With due concern on the effects of climate change, the Department shall promote the use of state-of-the-art, environmentally-sound and safe non-burn technologies for the handling, treatment, thermal destruction, utilization, and disposal of sorted, unrecycled, uncomposted, biomedical and hazardous wastes."

**SECTION 5.** Section 49 paragraph B of Republic Act No. 9003 is hereby amended as follows:

"Section 49. *Fines and Penalties* -

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(b) Any person who violates Sec. 48, pars. (2) and (3), shall, upon conviction be punished with a fine of not less than Two thousand pesos (P2000.00) but not more than Ten thousand pesos (P10,000.00) and imprisonment of not less than three (3) days but to not more than thirty (30) days;"

**SECTION 6. Amendments to the Implementing Rules and Regulations.** The Department shall, within fifteen (15) days of the approval of this Act, amend the provisions of the Implementing

Rules and Regulations of Republic Act No. 8749 and Republic Act No. 9003 in accordance to the provisions of Sections 4 and 5 of this Act.

**SECTION 7. Reportorial Requirement.** The Department is hereby mandated to report to Congress, no later than the 30th of March each year following the approval of this Act, the progress in the implementation of the provisions of this Act, including the data and statistics of the number of offenders apprehended, the amounts of fines imposed, and the number of days of imprisonment imposed, all in violation of the provisions of this Act.

The report shall include an identification of key areas where “Siga” and the incineration of solid wastes are prevalent, the identified air pollutants, and poisonous and toxic fumes. The report shall also include an indication of air quality performance rating prior to, and after the implementation of the provisions of this Act.

**SECTION 8. Separability Clause.** In the event that any provision of this Act is declared unconstitutional, invalid, or illegal, the constitutionality, validity, or legality of the remainder of the provisions of this Act shall not be affected thereby.

**SECTION 9. Repealing Clause.** All laws, presidential decrees, letters of instructions, executive orders, administrative orders, rules, regulations, and other issuances or parts thereof which are contrary to or inconsistent with the provisions of this Act are hereby revoked, repealed or modified accordingly.

**SECTION 10. Effectivity.** This Act shall take effect fifteen (15) days following the completion of its publication in any two (2) national newspapers of general circulation.

*Approved,...*