

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

SEVENTEENTH CONGRESS
First Regular Session

House Bill No. **3109**

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Introduced by **DIWA Party-list Representative Emmeline Y. Aglipay – Villar**

EXPLANATORY NOTE

That prevention is better than a cure is a keystone of health policy, the only way to completely avoid the harm brought about by illness and disease. And in turn, one of the foundations of prevention is sanitation, a means to ensure that human refuse does not contaminate our food or water supply. Such contamination can have drastic consequences -- even several years ago, data showed that "more than 20 million Filipinos have no access to proper sanitation, seven million of them still practiced open defecation; and that half of septic tanks in the country had not been emptied for the past five years" which led to an estimate fifty-five deaths daily, each one preventable.¹ Each one due to a failure of sanitation.

While reforms have been introduced in the past few years -- the 2014 Annual Poverty Indicators Survey (APIS), 85.5 percent of the 22.7 million families have access to safe water supply or water, while 94.1 percent of families have access to sanitary toilet facility² -- there is still much left to be done. The availability of a toilet facility inside the house, by itself, is not enough to constitute good, sustainable sanitation. Sustainable sanitation must encompass community-wide sanitation systems designed to properly treat and dispose waste, as well as a comprehensive review and implementation of the national sanitation program optimized for the Philippine setting.

This bill, filed as a counterpart of Senate Bill No. 719 with the support of its author, Senator Cynthia Villar, seeks to promote sustainable sanitation by strengthening and expanding the services of the Sanitation Unit of the Department of Health, and by amending Sections 3 and 103 of Presidential Decree 856 also known as the Sanitation Code.


EMMELINE Y. AGLIPAY – VILLAR
Representative, DIWA Party-list

¹ <http://www.manilatimes.net/denr-rushes-national-sewer-septage-system/42889/>

² <https://psa.gov.ph/content/how-we-fare-mdg-target-families-access-sanitary-toilet-facility-and-access-safe-water-supply>

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House Bill No. ____

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AN ACT
STRENGTHENING THE SUSTAINABLE SANITATION PROGRAM BY
REORGANIZING THE SANITATION UNIT OF THE DEPARTMENT OF HEALTH
AND PROVIDING FUNDS THEREFOR

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

Section 1. Short Title. This Act shall be known as the *“National Sustainable Sanitation Act of 2016”*.

Section 2. Declaration of Policy. The state shall pursue a policy on sustainable sanitation to protect public health and human development as a fundamental human right. As such, it shall be guided by the following policy statements:

1. Sanitation is both a social and economic good. It is essential for basic health and dignity of the person.
2. Sanitation policies, plans and programs must be localized and its management decentralized at the lowest level possible.
3. Sanitation is a responsibility of all citizens. Different stakeholders must be involved in promoting good sanitation and hygiene practices.
4. Sanitation systems must be financially sustainable, economically affordable, socially and culturally acceptable.
5. Good sanitation contributes to environmental sustainability and penalizes polluters.
6. Sanitation services must be responsive and shall include capacity development for consideration of appropriate technologies, financing and management options at various levels.
7. Proper resource conservation, re-use, recycle and recovery of sanitation by-products will be considered.
8. Access to sanitation should be equitable and sensitive to gender differences.
9. Efficient water governance includes sanitation.

Section 3. Definition of Terms. As used in this Act, the following terms shall mean:

- a) Ecological Sanitation – refers to a system that separates urine and feces and provides for the safe recycling of excreta resources (plant nutrients and organic matter) to crop production in such a way that the use of non-renewable resources is minimized.
- b) Excreta – refers to both human feces and urine.
- c) Sanitation – refers to a wide range of services and arrangements pertaining to the hygienic and proper management of human excreta and community liquid wastes to safeguard the health of individuals and communities. This is usually concerned with preventing diseases by hindering pathogens or disease-causing organisms found in excreta and wastewater from entering the environment and coming into contact with people and communities. This also involves the construction of adequate collection and disposal/reuse facilities and the promotion of proper hygiene behaviour so that facilities are effectively used at all times.
- d) Septage – means the sludge produced on individual onsite wastewater disposal systems, principally septic tanks and cesspools.
- e) Sewage – means water-borne human or animal wastes excluding oil or oil wastes removed from residences, buildings, institutions, industrial and commercial establishments.
- f) Sewerage – refers to any system or network of pipelines, ditches, channels or conduits including pumping stations, lift stations and force mains, service connections including other constructions, devices and appliances appurtenant thereof, which includes the collection, transport, pumping and treatment of sewage to a point of disposal.
- g) Sludge – means any solid, semi-solid or liquid waste or residue generated from a wastewater treatment plant, water supply treatment plant, or water control pollution facility, or any other such waste having similar characteristics and effects.
- h) Sustainable sanitation system – a system that protects and promotes human health, minimizes environmental degradation and the depletion of the resource base. It is technically and institutionally appropriate, while maintaining social acceptability and economic viability in the long term.
- i) Treatment – means any method, technique, or process designed to alter the physical, chemical or biological and radiological character or composition of any waste or waste water to reduce or prevent pollution.
- j) Universal Coverage – one hundred percent (100%) of total households have their own sanitary toilet facilities.
- k) Zero Open Defecation – refers to the state of no defecation in open public places. community is said to have zero open defecation when 100% of its households have their own sanitary toilets.

Section 4. The Strengthening of the Sanitation Unit. For purposes of carrying out the declared policy in Section 2, it is hereby established that the present Sanitation Unit, hereinafter called the Unit, under the Department of Health be strengthened through additional support services and appropriate funds as per recommendation of the Department of Health. It shall be an autonomous unit directly under the Office of the Health Secretary.

The Unit shall be headed by an Administrator who is a sanitation engineer, or equivalent qualification, with at least five (5) years distinguished service and experience in any of the following fields: waterworks, sanitation management, and health. The administrator shall receive compensation, benefits, privileges and other emoluments equivalent to an Undersecretary of the DOH.

Section 5. Objectives of the Unit. The Unit shall have the following objectives:

1. To establish the policy guidelines for the implementation of sustainable sanitation including regulatory and institutional arrangements;
2. To promote rapid expansion of sanitation coverage throughout the Philippines in partnership with different stakeholders; and
3. To set national targets and directions that will guide national and local plans and programs on sustainable sanitation.

Section 6. Powers and Functions of the Unit. The Unit shall oversee the preparation and implementation of local sustainable sanitation management plans and prescribe policies to achieve the objectives of this Act. The Unit shall undertake the following activities:

1. Prepare and regularly update the National Sustainable Sanitation Management Framework;
2. Lead inter-agency implementation of the National Sustainable Sanitation Program;
3. Develop and implement a program to provide technical and other capability building assistance and support to local government units in the development and implementation of local sustainable sanitation plans;
4. Review and monitor national agency and local government sustainable sanitation plans in accordance with its rules and regulations;
5. Develop and implement a national pro-poor sanitation program that will target to achieve zero open defecation nationwide and one hundred percent sanitation coverage of all households by 2016;
6. Establish and manage the Sanitation Program Fund of the DOH;
7. Monitor and regularly report to the public, through the DOH, the national account for sanitation;
8. Formulate the necessary education promotion, information campaign and social marketing strategies;
9. Spearhead the research and development of the knowledge and skills on technology, management and financing options for sustainable sanitation;
10. Encourage community participation and other partnership modalities in the different areas of sustainable sanitation service delivery chain;

11. Propose and adopt policy, standards, regulations and guidelines relative to the implementation of this Act and other related laws;
12. Promote knowledge, standards, skills and proper hygiene behaviour for appropriate and sustainable sanitation solutions in schools and in emergency situations;
13. Develop a program for the development, training and professionalization of sanitary inspectors in partnership with their national organization; and
14. Facilitate the organization, registration and regulation of Sanitation Service providers.

Section 7. Role of the Department of Interior and Local Government. The (Department of Interior and Local Government) DILG shall formulate its own sustainable sanitation strategy that will ensure that all LGUs capacity are enhanced and are assisted in developing and updating their local sustainable sanitation plans, and in the regular inclusion of sustainable sanitation in the LGU annual investment and development plans. They will also assist in over-all sector monitoring and assessments and maintenance of a database.

Section 8. Role of the Department of Public Works and Highways. The Department of Public Works and Highways (DPWH) shall implement the National Sewerage and Septage Management Plan (NSSMP) for highly urbanizing cities as provided for in the Philippine Clean Water Act of 2004. It shall ensure that the implementation of the NSSMP is in partnership with the LGUs. It will also develop its own sustainable sanitation strategy that will ensure proper installation of adequate and sustainable toilet and hand washing facilities for men, women and disabled persons of the public and employees in all government buildings.

Section 9. Role of the Housing and Land Use Regulatory Board and its attached agencies such as the National Housing Authority and the Housing and Urban Development Coordinating Council. The HLURB, NHA and HUDCC shall develop its own sustainable sanitation plans consistent with this Act that will: a) ensure that appropriate sustainable sanitation systems are adequately provided for in all its housing projects and b) identify their agency targets and budgets for sanitation.

Section 10. Role of the Local Water Utilities Administration. The Local Water Utilities Authority (LWUA) will develop its sustainable sanitation strategy and action plan aimed to assist water utilities (not limited to water districts) who will implement sustainable sanitation initiatives. It will also ensure at least five percent (5%) of its total loan products are allocated for sanitation, sewerage and septage management projects. As much as possible, it will also provide access to innovative financing schemes and capacity development of the water districts.

Section 11. Role of the National Water Resources Board. The National Water Resources Board (NWRB), as the main economic regulator of the water sector provided for in the Water Code shall be the economic regulator for sewerage and Septage management. The sanitation

economic regulatory guidelines shall be developed by the NWRB and it should cover the following tasks:

1. Promotion of operating efficiency and performance indicators;
2. Service standard specification and monitoring;
3. Ensure asset serviceability over time;
4. Promotion of water use efficiency;
5. Safety net regulations; and
6. Customer service responsiveness.

In special areas where there is a different economic regulator for the water service provider (such as those regulated by contract), the regulator assumes responsibility for sanitation and sewerage regulation. Their regulatory guidelines should be consistent with the national economic regulatory guidelines for sanitation that will be developed by the NWRB. In such cases, the NWRB shall serve as the appellate body for complaints between the service provider and the consumers.

Section 12. Role of the Municipal/City Local Government Units. The local government units (LGUs) are mandated to ensure that basic sanitation services are provided to their constituents. Consistent with the provisions of the local government code, it is hereby mandated that:

- 1.) Sanitation Unit in each city or municipality be established. The Sanitation Unit will be under the local health departments to be headed by a Sanitation Engineer or its equivalent. This unit shall be composed of the head and a team of sanitary inspectors. This unit shall be responsible for the development and implementation of the local sustainable sanitation plans and programs and shall recommend local legislation as deemed necessary.
- 2.) LGUs will develop their local sustainable sanitation plans that respond to their local situation and priority needs and furnish the Unit a copy of the plan for monitoring and technical assistance.
- 3.) They will work with different stakeholders and service providers such as Water Districts, small private entrepreneurs and community-based associations to develop the plan and ensure its implementation and enforcement of the national policies.
- 4.) They will develop local policies and ordinances which defines its strategies and stipulates penalties and fines for violations for open defecation and for other unsanitary behaviours that affect public health.
- 5.) The LGUs shall allocate at least 10% of their 20% development funds for improvement of sanitation, the amount of which shall be regularly reported and accounted for separately. The sanitary fees levied by the LGUs shall be solely allocated for sanitation related projects.
- 6.) The LGUs will develop programs and incentive schemes to achieve universal coverage of their total household population having their own sanitary toilet facilities within a reasonable time frame as indicated in their sustainable sanitation plan.

7.) The LGUs shall also ensure the provision, operation and maintenance of adequate sanitary toilet facilities for men and women in public places such as public markets, bus terminals, public parks, public basketball courts/gymnasiums. They shall also ensure adequate operation and maintenance of public school buildings.

8.) The LGUs will work with communities and households to create demand for sanitation improvement through health and hygiene awareness programs.

Section 13. Role of Provincial LGUs. The Provincial LGUs will assist the Municipal and City LGUs by:

1. Ensuring compliance with the national policy, norms and standards;
2. Developing provincial legislation, norms and standards;
3. Monitoring progress of the LGUs in meeting their targets;
4. Allocating portion of their IRA to provide for counterpart support financing to municipal/city LGUs; and
5. Providing for the establishment, operation and maintenance of at least one septage treatment facility for the province.

Section 14. Role of the Department of Education. The Department of Education (DepEd) shall ensure that all schools have adequate number of sustainable sanitary toilet facilities for the students. No school building is considered complete without proper toilet facilities. The DepEd shall immediately address the access gaps by giving priority to schools that may be used as evacuation centers. All of these information shall be identified in their sustainable sanitation action plan which should indicate their targets, plans and budgets within a given timeframe.

Section 15. Role of the Inter-Agency Committee on Environmental Health. The Inter-Agency Committee on Environment Health (IACEH) shall be a high level inter-agency platform to ensure coordination and monitoring of agency performance. They will address emerging bottlenecks that constrain achievement of universal coverage.

Section 16. Role of the Department of Finance. The Department of Finance will take responsibility for ensuring equitable and practical funding and financing arrangements that will enable the provincial and municipal LGUs to finance their sanitation plans and programs.

Section 17. Role of Civil Society. Non-government organizations and community-based organizations can include but are not limited to health and hygiene awareness promotion and education; training and capacity development; facilitating community participation; implementing community-based sanitation improvement projects; monitoring plan implementation; and piloting demonstration projects.

Section 18. Individual Excreta and Sewage Disposal System. All houses and buildings shall have an excreta and sewage disposal system as approved by the local Sanitation Inspector and provided for in Section 19.

Section 19. Sewerage and Sewage Treatment System. All households and buildings covered by the system shall be connected to the sewer.

Section 20. Approval of the Department. The approval of the Department shall be required in the following matters:

1. The construction of any approved type of individual excreta and sewage disposal system.
2. Plans, designs, and specifications of individual excreta and sewage disposal system.
3. Plans, designs and specifications of sewerage and sewage treatment systems.
4. Methods of disposal of sludge and/or septage from excreta or sewage disposal treatment facilities.

Section 21. Achieving Universal Sanitation Coverage. The Unit, in coordination with IACEH and the LGUs shall spearhead a sustainable sanitation campaign aimed at achieving universal sanitation coverage in the country that will:

1. Raise awareness and cultivate demand for improved sanitation at LGU level;
2. Achieve zero open defecation in all barangays in the country by 2016;
3. Ensure that all households will have their own sanitary toilet facility;
4. Ensure that LGUs provide a support system for disposing human excreta, household wastewater and refuse which is acceptable to users, safe, hygienic, easily accessible and which does not have an unacceptable impact on the environment; and
5. Trigger LGUs to develop their sustainable sanitation plans and programs and allocate resources for its implementation.

Section 22. The National Sustainable Sanitation Plan. The DOH thru the Sanitation Unit shall prepare a five-year (5) National Sustainable Sanitation Plan consistent with the Sustainable Sanitation Framework within one (1) year from the approval of this Act.

Section 23. The Local Sustainable Sanitation Plan. The Local Government Units shall prepare its respective five-year (5) Sustainable Sanitation Plans consistent with the Sustainable Sanitation Framework Plan within one (1) year from the approval of this Act.

Section 24. Amendatory and Repealing Clause. The following sections of Presidential Decree 856 also known as “Sanitation Code” are hereby amended to read as follows:

Section 3. *Functions of the Department of Health.* The Department shall have the following powers and functions:

(a) Undertake the promotion and preservation of the health of the people and raise the health standards of individuals and communities throughout the Philippines.

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(i) TAKE A LEAD ROLE IN SANITATION GOVERNANCE BY PROVIDING TECHNICAL ASSISTANCE, SETTING STANDARDS AND POLICY GUIDELINES, AND THE CONDUCT OF RESEARCH AND DEVELOPMENT AND MONITORING OF PLANS AND PROGRAMS.

Section 103. Penal Provision

(a) Unless otherwise provided in any Chapter or section in this Code, any [person]public official who shall violate, disobey, refuse, omit or neglect to comply with any of the rules and regulations promulgated under this Code shall be guilty of misdemeanor and upon conviction shall be punished by imprisonment for a period not exceeding [six months or by a fine of not exceeding one thousand pesos]

FOUR (4) YEARS AND A FINE NOT LESS THAN FIFTY THOUSAND PESOS (Php 50,000.00) AND NOT MORE THAN ONE HUNDRED THOUSAND PESOS (Php 100,000.00) PER DAY FOR EACH DAY OF VIOLATION depending upon the discretion of the court.

(b) Any person who shall interfere with or hinder, or oppose any officer, agent or member of the Department or of the bureaus and offices under it, in the performance of his duty as such under this Code, or shall tear down, mutilate, deface or alter any placard, or notice, affixed to the premises in the enforcement of the Code, shall be guilty of a misdemeanor and punishable upon conviction by imprisonment for a [six months or by a fine of not exceeding one thousand pesos or both depending upon the discretion of the court] FOUR (4) YEARS AND A FINE NOT LESS THAN FIFTY THOUSAND PESOS (Php 50,000.00) AND NOT MORE THAN ONE HUNDRED THOUSAND PESOS (Php 100,000.00) PER DAY FOR EACH DAY OF VIOLATION depending upon the discretion of the court.

Section 25. Appropriations. The Department shall allocate an initial Php 60 million for the launching of the NSSP nationwide and jump-start sustainable sanitation in high-risk areas as recommended by the Provincial Health Units in every region. The National Sanitation Unit shall have an allocation of at least Php 30 million thereafter. First, second and third municipalities and cities shall provide funding for the implementation of their local sanitation programs. Fourth and fifth class municipalities shall receive counterpart assistance from DOH, DENR and DPWH for the implementation of their sanitation programs.

Section 26. Separability Clause. If, for any reason, any section or provision of this Act is declared unconstitutional or invalid, such other sections or provisions not affected thereby shall remain in full force and effect.

Section 27. Repealing Clause. Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule or regulation contrary to or inconsistent with the provision of this Act is hereby repealed, modified or amended accordingly.

Section 28. Effectivity. This Act shall take effect fifteen (15) days after its publication in at least two (2) national newspapers of general circulation.

Approved,