

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

Eighteenth Congress  
First Regular Session  
6892  
HOUSE BILL NO. \_\_\_\_\_



Introduced by: REP. Allan Benedict S. Reyes

**EXPLANATORY NOTE**

Pursuant to the declared policy of the State to protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature,<sup>1</sup> Republic Act No. 8749 or the Philippine Clean Air Act of 1999 ("Clean Air Act") was enacted. Under this Act, the State is mandated to "pursue a policy of balancing development and environmental protection"<sup>2</sup> and adopt a framework for sustainable development.

Section 20 of the Clean Air Act made an express prohibition on incineration which is defined by the Act as "the burning of municipal, biomedical and hazardous waste, which process emits poisonous and toxic fumes." The Supreme Court, however, clarified that this provision "does not absolutely prohibit incineration as a mode of waste disposal; rather only those burning processes which emit poisonous and toxic fumes are banned."<sup>3</sup> Moreover, the prohibition does not apply to traditional small-scale method of community/neighborhood sanitation "siga", traditional, agricultural, cultural, health, and food preparation and crematoria. The Clean Air Act also provided that the then existing incinerators dealing with biomedical wastes shall be out within three (3) years after the effectivity of the said law. In the interim, such units were "limited to the burning of pathological and infectious wastes" and subject to close monitoring by the Department of Environment and Natural Resources ("DENR").<sup>4</sup> Furthermore, with due concern on the effects of climate change, the Clean Air Act mandates the DENR to "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."<sup>5</sup>

In 2001, the Philippines also enacted Republic Act 9003,<sup>6</sup> or the Ecological Solid Waste Management Act of 2000 which aims to adopt a systematic,

<sup>1</sup> Section 16, Article 2, 1987 Constitution.

<sup>2</sup> Section 3, An Act Providing for a Comprehensive Air Pollution Control Policy and for Other Purposes, 23 June 1999 [hereinafter, "Clean Air Act"]

<sup>3</sup> Metropolitan Manila Development Authority v. Jancom Environmental Corporation, G.R. No. 147465, 30 January 2002.

<sup>4</sup> Section 20, Clean Air Act.

<sup>5</sup> *Id.*

<sup>6</sup> An Act Providing for an Ecological Solid Waste Management Program, Creating the Necessary Institutional Mechanisms and Incentives, Declaring Certain Acts Prohibited and Providing Penalties,

comprehensive and ecological solid waste management program for the country. The said law ensures "the proper segregation, collection, transport, storage, treatment and disposal of solid waste through the formulation and adoption of the best environmental practice in ecological waste management excluding incineration."<sup>7</sup> The Act also promoted resources recovery which refers to "the collection, extraction or recovery of recyclable materials from the waste stream for the purpose of recycling, generating energy or producing a product suitable for beneficial use."<sup>8</sup> Such resource recovery facilities, however, do not include incineration.<sup>9</sup>

Since the enactment of the Clean Air Act in 1999 and the Ecological Solid Waste Management Act in 2001, a number of technological advances on waste management and pollution control have already been made. Almost two decades after the passage of the said laws, anti-pollution measures have drastically changed, and alternative waste treatment technologies have already been discovered and became viable. Moreover, landfills, particularly in Metro Manila, are already reaching their maximum capacity and may no longer be able to accommodate the tons of trash in the coming years.

Furthermore, the current pandemic compels the country to review its existing waste management practices so as to strike a good balance between environment protection and public health. Particularly because of COVID-19, the country is experiencing an uptick of infectious medical waste nowadays. As defined under the Clean Air Act, "medical waste" refers to "materials generated as a result of patient diagnosis, treatment, or immunization of human beings or animals"<sup>10</sup> while "infectious waste" pertains to that "portion of medical waste that could transmit an infectious disease."<sup>11</sup>

In the United States, for instance, garbage contaminated with bodily fluids or other infectious materials is becoming a bigger concern for hospitals as they brace for a surge in patients sick with COVID-19.<sup>12</sup> Specifically, patients and health care workers are rapidly going through medical supplies and disposable personal protective equipment, such as masks. Needless to say, all these used gear piles up as medical waste that must be safely discarded.<sup>13</sup>

The Philippines must therefore consider state-of-the-art and environment-friendly incineration as a possible means to effectively manage solid waste in the country. Such process may actually have particularly strong benefits for the treatment of medical waste since most pathogens and toxins can be destroyed by

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<sup>7</sup> Appropriating Funds Therefor, and for Other Purposes, otherwise known as the "Ecological Solid Waste Management Act of 2000", 26 January 2001 [hereinafter, "Ecological Solid Waste Management Act"]

<sup>8</sup> Section 2(d), Ecological Solid Waste Management Act.

<sup>9</sup> Section 2(d), *Id.*

<sup>10</sup> Section 5(l), Clean Air Act.

<sup>11</sup> Section 5(k), *Id.*

<sup>12</sup> The COVID-19 pandemic is generating tons of medical waste available at <https://www.theverge.com/2020/3/26/21194647/the-covid-19-pandemic-is-generating-tons-of-medical-waste> (last accessed 28 May 2020).

<sup>13</sup> *Id.*

high temperatures. In fact, waste incineration is very popular in countries such as Japan, Singapore and the Netherlands, where land is a scarce resource.<sup>14</sup> Also, European countries rely heavily on incineration for handling municipal waste, in particular Luxembourg, the Netherlands, Germany, and France.<sup>15</sup>

In sum, by lifting the ban on incineration, in so far as medical waste is concerned, we are more able to protect the public against the spread of not just COVID-19 but also other harmful and infectious diseases. At the same time, we are able to help address the garbage problem in the country in the most environmentally sound and safe manner.

In view of the foregoing, passage of this bill is earnestly sought.

*all*  
HON. ALLAN BENEDICT S. REYES *apr*  
*Representative, 3<sup>rd</sup> District, Quezon City*

<sup>14</sup> Recycling and incineration surprises in the Netherland available at <https://www.thefifthestate.com.au/columns/spinifex/recycling-and-incineration-surprises-in-the-netherlands/> (last accessed 29 May 2020).

<sup>15</sup> Waste management in the EU: infographic with facts and figures available at <https://www.europarl.europa.eu/news/en/headlines/society/20180328STO00751/eu-waste-management-infographic-with-facts-and-figures> (last accessed 29 May 2020).

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ecological solid waste management program for the country. The said law ensures "the proper segregation, collection, transport, storage, treatment and disposal of solid waste through the formulation and adoption of the best environmental practice in ecological waste management excluding incineration."<sup>7</sup> The Act also promoted resources recovery which refers to "the collection, extraction or recovery of recyclable materials from the waste stream for the purpose of recycling, generating energy or producing a product suitable for beneficial use."<sup>8</sup> Such resource recovery facilities, however, do not include incineration.<sup>9</sup>

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Furthermore, the current pandemic compels the country to review its existing waste management practices so as to strike a good balance between environment protection and public health. Particularly because of COVID-19, the country is experiencing an uptick of infectious medical waste nowadays. As defined under the Clean Air Act, "medical waste" refers to "materials generated as a result of patient diagnosis, treatment, or immunization of human beings or animals"<sup>10</sup> while "infectious waste" pertains to that "portion of medical waste that could transmit an infectious disease."<sup>11</sup>

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The Philippines must therefore consider state-of-the-art and environment-friendly incineration as a possible means to effectively manage solid waste in the country. Such process may actually have particularly strong benefits for the treatment of medical waste since most pathogens and toxins can be destroyed by high temperatures. In fact, waste incineration is very popular in countries such as Japan, Singapore and the Netherlands, where land is a scarce resource.<sup>14</sup> Also, European countries rely heavily on incineration for

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<sup>7</sup> Section 2(d), Ecological Solid Waste Management Act.

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

**EIGHTEENTH CONGRESS**  
**First Regular Session**

HOUSE BILL NO. 6892

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Introduced By Representative ALLAN BENEDICT S. REYES

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**AN ACT ALLOWING INCINERATION OF MEDICAL WASTE  
THEREBY AMENDING SECTION 20 OF REPUBLIC ACT NO. 8749 OTHERWISE  
KNOWN AS THE PHILIPPINE CLEAN AIR ACT OF 1999 AND SECTION 2 OF  
REPUBLIC ACT 9003 OTHERWISE KNOWN AS THE ECOLOGICAL SOLID WASTE  
MANAGEMENT ACT OF 2000, AND FOR OTHER PURPOSES**

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

1       **SECTION 1.** Section 20 of Republic Act No. 8749, An Act Providing for a  
2       Comprehensive Air Pollution Control Policy and for Other Purposes, otherwise known as  
3       the "Philippine Clean Air Act of 1999" is hereby amended to read as follows:

4  
5       **"Section 20. Ban on Incineration.** - Incineration, hereby defined as the  
6       burning of municipal, biomedical and hazardous waste, which process  
7       emits poisonous and toxic fumes is hereby prohibited; *Provided*,  
8       however, That the prohibition shall not apply to **MEDICAL WASTE**  
9       **INCINERATION**, traditional small-scale method of  
10      community/neighborhood sanitation "siga", traditional, agricultural,  
11      cultural, health, and food preparation and crematoria; **PROVIDED**  
12      **FURTHER, THAT BEST PRACTICES FOR MEDICAL WASTE**  
13      **INCINERATION WHICH CAN LEAD TO SUBSTANTIAL**  
14      **REDUCTIONS IN OR ELIMINATION OF THE FORMATION,**  
15      **EMISSION AND EXPOSURE TO TOXIC SUBSTANCES MUST BE**  
16      **STRICTLY OBSERVED;** *Provided, Further*, That existing incinerators  
17      dealing with biomedical wastes shall be out within three (3) years after  
18      the effectivity of this Act; *Provided, Finally*, that in the interim, such units  
19      shall be limited to the burning of pathological and infectious wastes, and  
20      subject to close monitoring by the Department.

21  
22      Local government units are hereby mandated to promote, encourage  
23      and implement in their respective jurisdiction a comprehensive  
24      ecological waste management that includes waste segregation,  
25      recycling, and composting **AND MEDICAL WASTE INCINERATION**.  
26      With due concern on the effects of climate change, the Department shall  
27      promote the use of state-of-the-art, environmentally-sound and  
28

1 safe non-burn technologies for the handling, treatment, thermal  
2 destruction, utilization, and disposal of sorted, unrecycled,  
3 uncomposted, biomedical and hazardous wastes."

4  
5 **SECTION 2.** Section 2(d) and (dd) of Republic Act 9003, An Act Providing for an  
6 Ecological Solid Waste Management Program, Creating the Necessary Institutional  
7 Mechanisms and Incentives, Declaring Certain Acts Prohibited and Providing Penalties,  
8 Appropriating Funds Therefor, and for Other Purposes, otherwise known as the  
9 "Ecological Solid Waste Management Act of 2000" is hereby amended to read as follows:

10  
11 **"Section 2. Declaration of Policies** - It is hereby declared the policy of  
12 the State to adopt a systematic, comprehensive and ecological solid  
13 waste management program which shall:  
14  
15 ...

16 (d) Ensure the proper segregation, collection, transport, storage,  
17 treatment and disposal of solid waste through the formulation and  
18 adoption of the best environmental practice in ecological waste  
19 management ~~excluding incineration~~;"  
20  
21 ...

22 (dd) Resources recovery shall refer to the collection, extraction or  
23 recovery of recyclable materials from the waste stream for the purpose  
24 of recycling, generating energy or producing a product suitable for  
25 beneficial use: ~~Provided, That such resource recovery facilities exclude~~  
26 ~~incineration;~~  
27

28 **SECTION 3. Implementing Rules and Regulations and Standard Forms.** - Within  
29 sixty (60) days from the promulgation of this Act, the necessary rules and regulations for  
30 the proper implementation of its provisions shall be formulated by the Department of  
31 Environment and Natural Resources and other appropriate government office or agency  
32 in coordination with all the stakeholders and covered establishments and institutions.  
33

34 **SECTION 4. Repealing Clause.** - All laws, executive orders, administrative orders,  
35 rules, regulations, decrees, and other issuances or parts thereof, which are inconsistent  
36 with the provisions of this Act are hereby revoked, repealed, or modified accordingly.  
37

38 **SECTION 5. Separability Clause.** - If any provision of this Act is held  
39 unconstitutional or invalid, the other provisions not affected thereby shall continue in  
40 operation and remain in full force and effect.  
41

42 **SECTION 6. Effectivity Clause.** – This Act shall take effect fifteen (15) days after  
43 its publication in a newspaper of general circulation or the Official Gazette.  
44

45 Approved,