NSWMC Resolution No. 12C, Series of 2015

GRANTING AUTHORITY TO THE EMB DIRECTOR TO ISSUE NOTICE TO SUE TO NON-COMPLYING LGUs TO RA 9003

WHEREAS, Republic Act (RA) 9003 also known as the Ecological Solid Waste Management Act of 2000, declares certain acts prohibited and provides penalties;

WHEREAS, Section 8 and 9 of RA 9003, provide that the DENR can exercise visitorial and enforcement powers to ensure strict compliance with the Act;

WHEREAS, Section 10 of RA 9003 emphasize that the local government units shall be primary responsible for the implementation and enforcement of the provisions of Act, pursuant to the relevant provisions of RA 7160, otherwise known as the Local Government Code;

WHEREAS, Sections 48 and 49 of RA 9003 identified the prohibited acts and corresponding penalty for each violation;

WHEREAS, Section 50 of RA 9003 states that local government officials and officials of government agencies concerned who fail to comply with and enforce rules and regulations promulgated relative to the Act shall be charged administratively in accordance with RA 7160 and other existing laws, rules and regulations;

WHEREAS, Section 2, Rule XIX of Implementing Rules and Regulations (IRR) of RA 9003 states that violations as defined under Section 48 shall be subject to criminal proceedings, pursuant to the relevant provisions of the revised rules on criminal procedures;

WHEREAS, Section 3, Rule XX of IRR of RA 9003 states that administrative actions shall be filed with the DILG or the Ombudsman, if related to any LGU, or to any government agency/employee, respectively.

WHEREAS, there is an urgent requirement to facilitate strict enforcement of RA 9003 and its IRR;

NOW THEREFORE, BE IT RESOLVED, AS IT IS HEREBY RESOLVED, the Environmental Management Bureau (EMB) Director is hereby authorized to issue “Notice to Sue” to non-complying LGUs to all mandatory provisions of RA 9003.

This Resolution takes effect upon approval and supersedes NSWMC Resolution No. 53, Series of 2010 granting authority to the EMB Director to Issue the Notice to Sue specifically to non-complying LGUs to Section 37 of RA 9003.

APPROVED this 24th day of February 2015.

CRISPIN N. LAO
Representative, Recycling Industry and
Vice-Chairman, National Solid Waste Management Commission (NSWMC)

Waste No More! Waste No Time!